

AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, September 13, 2010
7:00 p.m. Call to Order

* milt - no
delivery of
Shirley's book
to school.

I. APPROVAL OF MINUTES

August 23, 2010

II. MANAGER'S REPORT

Project Update:

- Route 88 - 400' slab removal future c.o.
- Discussion re: Special Town Council Meeting Wed. September 22nd and cancellation of September 27th meeting.

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 10 – 122** To hold a Public Hearing to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.
- 10 – 123** To set a Public Hearing date (September 27th) to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.
- 10 – 124** To set a Public Hearing date (September 27th) to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010 – September 30, 2011.
- 10 – 125** To set a Public Hearing date (September 27th) to consider and act on amendments to the Cumberland Mass Gathering Ordinance.
- 10 – 126** To set a Public Hearing date (September 27th) to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.
- 10 – 127** To hear a report from the Ordinance Committee re: PACE program and ordinance and to set a Public Hearing date (September 27th) to consider and act on the adoption of PACE Ordinance and authorization agreement.
- 10 – 128** To hear a report from the Cumberland/North Yarmouth Joint Liaison Committee re: meeting with North Yarmouth and pending agreements (ACO, sidewalk snow plowing and Channel 2).
- 10 – 129** To set a Public Hearing date (September 27th) to consider and act on the annual "blanket" Mass Gathering Permit for all fall events at Twin Brook.
- 10 – 130** To set a Public Hearing date (September 27th) to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

V. NEW BUSINESS

VI. ADJOURNMENT

WORKSHOP: re: Budget FY'12 policy discussion

- Enterprise and Reserve Funds
 - Deficit Funds
 - Overlay
-

MOTIONS

MOTIONS

***I move to set a date of September 22, 2010 to hold a Special Town Council meeting and cancel the September 27, 2010 Town Council meeting.**

- 10 – 122 I move to approve** the permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.
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- 10 – 128 No action necessary**
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MINUTES

08/23/10

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, August 23, 2010

7:00 p.m. Call to Order

Present: Chairman Storey-King, Councilors Turner, Copp, Porter, Perfetti, Stiles and Moriarty

I. APPROVAL OF MINUTES

August 9, 2010

Motion by Councilor Porter, seconded by Councilor Perfetti, to accept the minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Project Update:

- Route 88

Construction continues toward Tuttle Road. The first 2,000 feet of shoulder work is almost complete. The paving crew will be grinding and paving Sea Cove Road later this week. The biggest complaint thus far with the project has been the narrowness of the lanes, especially within the first 2000 feet. When the paved shoulder is completed, the existing striping will be shifted 5-6 feet westward and the permanent stripes will be put down after the final paving, next spring. The current curbing looks high, and is 2 inches higher than it will be when the final paving is complete.

- Central Fire Station

Floor drains at Central Fire Station were clogged solid from road debris being washed off the trucks. The drain system has been in place for many years. Excavation was necessary to install a new drain that will deliver waste into sewer system per DEP requirements.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

10 – 118 To hold a Public Hearing to consider and act on amending the Fees & Fines Ordinance to add a fee for staff review of site plans at \$250.00 per plan.

Town Manager Shane explained that this item improves the speed and ease that smaller site plans can be processed, in house, by staff. Staff is recommending a fee structure of \$100.00 for Application and Notice Fees, and \$150.00 for Staff Review Fee. The Consulting Escrow fee of \$500.00 should be included in the motion as well. This gives staff the option to ask an outside consultant to review a portion of an application if necessary.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to amend the Fees & Fines Ordinance to add a fee for staff review of site plans at \$250.00 per plan, plus an option of Consulting Escrow fee of up to \$500.00.

VOTE: 7-0 UNANIMOUS PASSAGE

- 10 – 119** To hold a Public Hearing to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.

Town Manager Shane explained that this is simply an administrative matter and staff is recommending approval. It will allow the restaurant to be open all year and avoid having to apply for a Victualer's License every time there is an event at the fairgrounds.

Motion by Councilor Copp, seconded by Councilor Perfetti, to approve the Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

- 10 – 120** To authorize the Town Manager to enter into a Lease/Purchase Agreement with Gorham Leasing for a 2011 International 7400 Series Plow Truck.

Town Manager Shane explained that this was approved during budget process under the capital budget for a 5-year lease/purchase. The lease rate came in very favorable at 3.25%. The annual repair costs for older trucks is approximately \$3,000/year, and the interest on the new truck, completely outfitted, is approximately \$2,000/year.

Motion by Councilor Turner, seconded by Councilor Copp, as follows: It is Ordered that pursuant to Article II, Section 3(k) of the Council/Manager Charter of the Town of Cumberland, the Town Council hereby authorizes the Town Manager to enter into a certain Lease/Purchase Agreement dated July 22, 2010 with Gorham Savings Leasing Group, LLC in regard to the lease-purchase of a 2011 International 7400 Series Plow Truck for a total cost of \$163,740.00.

VOTE: 7-0 UNANIMOUS PASSAGE

- 10 – 121** To set a Public Hearing date (September 13th) to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

Town Manager Shane explained that this is an annual request, the application is complete, and deposit has been paid. The Fire Department will provide coverage at the event and a contractor has been retained for clean up after the event.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to set a Public Hearing date of September 13th to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

VOTE: 7-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – Congratulations to Storey Brothers, they are doing a great job on Route 88. He has received a few complaints regarding the speed of the construction vehicles.

Councilor Copp – A follow up question for the Manager, did Keenan Auction apply for a Mass Gathering Permit and pay the fees for recent events at the Fairgrounds?
Town Manager Shane said that it was discovered that they had not applied for a Mass Gathering Permit or paid the fee. They have since been contacted and they did come in and complete the application and pay the fee. It was simply an oversight on their part.

Councilor Porter – According to the Regional Waste Systems website, Cumberland's recycling rate is lower than it should be compared to other communities. Why should we care about the other communities? Because for every percentage that we are below the average of the other communities, the more of the RWS bill we are responsible for paying. Getting our recycling rate up where it should be will only benefit us as a community in regard to keeping services or not having to cut services at budget time.

Councilor Perfetti – None

Chairman Storey-King – None

Councilor Stiles – Thanked Chairman Storey-King for a very nice gathering at her home last evening.

Councilor Moriarty – None

Town Manager Shane – None

VI. ADJOURNMENT

Motion by Councilor Turner, seconded by Councilor Stiles, to adjourn.

VOTE: UNANIMOUS

TIME: 7:21 p.m.

Respectfully submitted by,

Brenda Moore
Executive Assistant

Workshop Agenda

- I. Welcome & Introductions – Mike Perfetti**
- II. Goals of the Council Finance Workshops**
 - Give Manager direction
 - Provide more time to discuss and formulate serious policy considerations, i.e. major reductions or increase in a service or budget line item
 - Allow for more public input throughout the year regarding a variety of subjects
- III. FY 2011 Budget & Finance Committee Calendar**
 - a. Fall 2010- Budget Policy Workshop Discussions
 - b. Department Budgets due to Town Manager – January 14th
 - c. Budget **Finance** Committee Workday – **February 21st - Holiday**
 - d. Budgets delivered to Town Council by Monday, March 14th
 - e. Budget Saturday Workshop – April 2nd and or 9th (?-optional)
 - f. Budget Public Hearing – April 25th and or May 9th
- IV. Future Meeting Discussion Topics**
 - a. Workshop Formats- After Council Meetings or Evenings /Saturdays
 - b. Enterprise Funds & Deficit Funds
 - c. Capital Reserve Funding or Bonding
 - d. TIF District Review – General Fund Impacts – Examples
 - e. Services provided to community
 - f. Property Valuations and impact on mil rate + assessment issues to date
- V. Adjournment**

MANAGER'S REPORT

ITEM

10-122

To hold a Public Hearing to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

GREELY FOOTBALL BOOSTERS

**c/o Jim Guidi
14 Hedgerow Drive
Cumberland, ME 04021**

August 17, 2010

William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

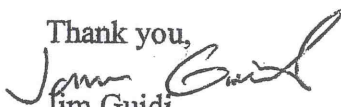
Dear Bill,

The Greely Football Boosters would like to hold our annual Bonfire at Twin Brook on Thursday, October 28, 2010. This event has become a tradition before our final game against Falmouth and I believe has been well received in the community.

The club understands that we have to clean up the site within 72 hours after the event. Similar to previous years, I will secure the services of a contractor to help perform this task. In addition, as in previous years, we will provide the Town funds to offset the costs incurred by the Fire Department of this event.

The Boosters appreciate the Town's support for this activity that has become a great tradition and community event.

Thank you,


Jim Guidi
Booster President

Brenda Stiffler

From: William Shane
Sent: Tuesday, August 17, 2010 10:47 AM
To: Brenda Stiffler; Tammy O'donnell
Subject: FW: GHS football

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

Tel: 207-829-2205
Fax: 207-829-2224
Cell: 207-232-5258

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is a public record and is available for review by any interested party.

From: Dan Small
Sent: Tuesday, August 17, 2010 8:53 AM
To: William Shane
Cc: Nate Schools
Subject: GHS football

Boss,

I've chatted with Jim Guidi a couple of times and we are all set for not only the boosters covering the expenses of the medical coverage at the five home games but also about the coverage at the bon fire at Twin Brooks. The coverage will be as follows:

- August 27th, EMS coverage at 7 pm – pre-season home game
- September 17th, EMS coverage at 7 pm – regular season home game
- October 1st, EMS coverage at 7 pm – regular season home game (this is concurrent with the fair and the harness racing post time this day is at 7 pm---we'll make it work)
- October 15th, EMS coverage at 7 pm – regular season home game
- October 28th, bon fire coverage at Twin Brooks
- October 29th, EMS coverage at 7 pm – regular season home game
- Hopeful tournament coverage to be later determined...


Regards,

Dan

Daniel R. Small, EFO

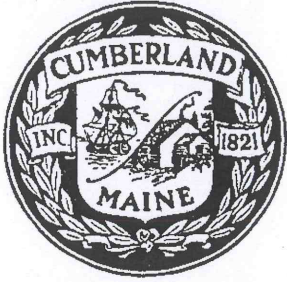
Chief of Department/EMA Director
Cumberland Fire Department

8/17/2010

CERTIFICATE OF INSURANCE				ISSUE DATE (MM/ DD/ YY) 08/13/2010 11:01:31 AM ET		
PRODUCER SADLER & COMPANY, INC. P.O. BOX 5866 COLUMBIA, SOUTH CAROLINA 29250-5866 (800) 622-7370 Email: sales@sadleragent.com		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.				
INSURED SPORTS LEISURE & ENTERTAINMENT RPG d/ b/ a Cumberland Football c/ o Jim Guidi 14 Hedgerow Drive Cumberland, ME 04021		COMPANIES AFFORDING COVERAGE				
		COMPANY LETTER A NATIONWIDE MUTUAL INSURANCE COMPANY				
		COMPANY LETTER B				
		COMPANY LETTER C				
COVERAGES						
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
CO. LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMIT OF COVERAGE	
A	General Liability <input checked="" type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims made <input checked="" type="checkbox"/> Occur <input type="checkbox"/> Owners & contractors Prot.	RPG47981	12:01AM ET 08/16/2010	12:01AM ET 08/16/2011	General Aggregate	\$4,000,000
	Products- Comp/ Ops Aggregate				\$2,000,000	
	Personal & Advertising Injury				\$2,000,000	
	Each Occurrence				\$2,000,000	
	Damage to Premises Rented to You				\$300,000	
	Medical Expenses (other than participants)				\$5,000	
	Participant Legal Liability				\$2,000,000	
A	Participant Accident (\$100 deductible per claim)	RPG47981	12:01AM ET 08/16/2010	12:01AM ET 08/16/2011	Excess Medical	\$100,000
	AD&D				N/ A	
	Weekly Indemnity				X	
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / RESTRICTIONS / SPECIAL ITEMS COVERED SPORTS: Football (Flag & Touch) 12 & Under, Football (Tackle & Contact Flag) 12 & Under, This certificate holder is added as an additional insured, but only with respect to the liability arising out of the operations of the insured named above.						
CERTIFICATE HOLDER RELATIONSHIP: Property Owner Town of Cumberland 290 Tuttle Road Cumberland, ME 04021		CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 				

ITEM 10-123

To set a Public Hearing date (September 27th) to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.



M E M O R A N D U M

P L A N N I N G D E P A R T M E N T
T O W N O F C U M B E R L A N D , M A I N E

Date: August 18, 2010
To: William Shane, Town Manager
From: Carla Nixon, Planning Director
Subject: New Term and Definition

During the review of the Rural Industrial district last month, I noticed there was no definition for one of the uses in our Zoning Ordinance: Road and Rail Facilities. I developed a proposed definition and the Planning Board considered it at their meeting last night. They voted to accept the definition, but chose to change the term "Road and Rail Facility" to "Railroad Facility". The definition is:

Railroad Facility: The occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, loading platforms, parking facilities, ticketing sales and offices and passenger and freight terminals.

This needs to be approved by the Town Council as an amendment to Section 104 (Definitions) of the Zoning Ordinance.

Please let me know if I can provide any additional information.

Notice of Decision

Date: August 18, 2010

To: Bill Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Public Hearing: To recommend to the Town Council a draft definition for Road and Rail Facilities in the Rural Industrial District:

This is to advise you that on August 17, 2010 the Planning Board voted to approve and recommend to the Town Council the draft zoning amendment to change the name of the use "Road and Rail Facility" to "Railroad Facility" and to add a definition of Railroad Facility to Section 104.132A

Railroad Facility: The occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, loading platforms, parking facilities, ticketing sales and offices and passenger and freight terminals.

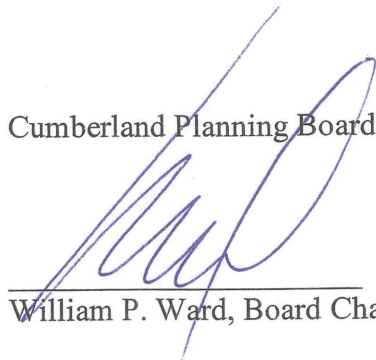
Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Cumberland Planning Board



William P. Ward, Board Chair

.132 **Road:** A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

.132A **Railroad Facility:** The occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, loading platforms, parking facilities, ticketing sales and offices and passenger and freight terminals.

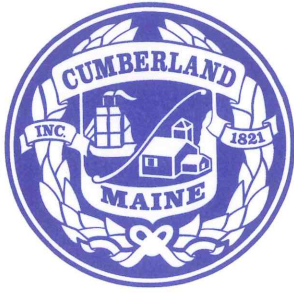
ITEM 10-124

To set a Public Hearing date (September 27th) to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.

No materials for this item until 9/27/10 Public Hearing

ITEM 10-125

To set a Public Hearing date (September 27th) to consider and act on amendments to the Cumberland Mass Gathering Ordinance.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

TO: William Shane, Town Manager
FROM: Tammy O'Donnell, Town Clerk
DATE: August 19, 2010
Subject: Mass Gathering Ordinance Insurance

Hi Bill,

Prior to the August 9, 2010, Town Council meeting, Councilor Stiles brought to my attention an issue with the Certificate of Liability Insurance that the Cumberland Farmer's Club had provided to the Town for their Mass Gathering Application.

I have since done some research on this matter, and reviewed the Mass Gathering Ordinance. The Town of Cumberland Mass Gathering Ordinance as it is written now; actually has no requirement for insurance at all. It requires a "Performance Guarantee Bond", which we have not been requiring from applicants for years. I would like to request that the Ordinance Committee meet to review the Mass Gathering Ordinance to address this issue. Thank you.

TOWN OF CUMBERLAND
MASS GATHERING ORDINANCE

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following to be the Mass Gathering Ordinance –

I. STATEMENT OF PURPOSE

The Town of Cumberland is concerned about the adverse effect to the general health and safety of the community that may result from large crowds which attend outdoor events, including exhibitions, festivals, music concerts and fairs. Large gatherings may lead to sanitation problems, resulting from inadequate waste disposal, insufficient drinking water and ill-equipped first aid facilities; such gatherings may also threaten the safety of the community through the obstruction of roads, violations of liquor and drug laws, and destruction of property. Further, large gatherings that occur within a short period of time create traffic congestion, crowd control, health, sanitation and safety problems which are greater than those which accompany gatherings which occur over a longer duration. Therefore, the following ordinance is hereby ordained for the purposes of protecting the general welfare, preventing disease, promoting health and providing for public safety.

II. DEFINITIONS

A. Large Outdoor Event - means any gathering held outdoors with the intent to attract five hundred (500) one thousand (1,000) or more persons for a festival, exhibition, amusement show, fair, theatrical performance, musical performance or other similar activity. Large Outdoor Events are regulated depending on their anticipated attendance, and so there are two categories of Large Outdoor Events:

1. Major Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of five thousand (5,000) or more persons for any length of time.
2. Minor Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of fewer than five thousand (5,000) persons for any length of time.

B. Town - means the Town of Cumberland.

C. Town Council - means the Town Council of the Town of Cumberland.

D. Person - means any natural person, sole proprietor-ship, partnership, corporation or other entity.

E. Operator - means the person responsible for the Large Outdoor Event.

F. ~~Performance Guaranty means an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Town Council and in a form approved by the Town Attorney, provided by an applicant for a Large Outdoor Event license to guarantee the payment of: the costs of the prompt cleaning of the grounds after the close of the Large Outdoor Event; and the Town police, fire, ems and public works costs for traffic control, public safety, first aid, fire prevention and law enforcement activities performed by the Town as a result of the Large Outdoor Event (the "Public Costs"). These public costs shall be those costs incurred by the Town in connection with the proposed Large Outdoor Event which would not be incurred by the Town if the Large Outdoor Event were not held. Promptly following the Large Outdoor Event, the Town shall release the Performance Guaranty if the Operator pays all such Public Costs within ten (10) working days after the Large Outdoor Event.~~

NEW F.

F. Insurance - Any such groups or individuals applying for any Mass Gathering permit for any organized purpose are required to provide evidence of insurance for liability (not less than \$1,000,000 per person/\$2,000,000 per occurrence) and property damage (not less than \$25,000) before receiving a mass gathering permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. (See Appendix for an Example of a Properly completed Insurance Certificate).

G. Assembly Area - means that portion of the premises on which the Large Outdoor Event is held within which persons in attendance are expected to sit or stand.

III. REQUIREMENT OF A LICENSE FOR LARGE OUTDOOR EVENTS

- A. No person may sponsor, promote, operate or hold any Large Outdoor Event unless a license therefore is first obtained from the Town Council of Cumberland.
- B. The licensing procedure will be administered in the following manner:
 - 1. The person(s) seeking a license must file an application form with the Town Clerk of the Town of Cumberland no less than 60 days before the proposed commencement of the Large Outdoor Event.
 - 2. The fee for the license shall be established by order of the Town Council and must accompany the application. Money received under this ordinance will help defray costs of its administration. The Town Council may at its

discretion reduce or waive the fee for charitable and nonprofit organizations.

3. The application, filed with the Town Clerk, must include a contract with the property owner allowing use of the facility or property, unless the property or facility is owned by the applicant.
4. Within 5 days of the receipt of an application, the Town Clerk shall notify the Town Manager, Police and Fire-EMS Chiefs of the application.
5. Before a license may be issued hereunder, the Town Council shall hold a public hearing, in order to review the application and determine the conditions required to safeguard the public health, safety and welfare.

The license applicants have the right to attend and to represent their interests at such hearing. When considering the issuance of a license for a Large Outdoor Event, the Town Council may seek advice from the Police Chief, Fire-EMS Chief, Code Enforcement Officer, Health Officer and such other Town officials as it deems necessary. After assessing the possible effects that the proposed event may have on the public's health, safety and welfare, the Town Council may deny the license or grant the license, or grant the license and impose such reasonable conditions on the issuance of a license as would safeguard the public interest; including, requiring the applicant to:

- a. post a performance guaranty in a form acceptable to the Town Attorney in an amount estimated by the Town Council to be equal to the Public Costs described in paragraph II F of this Ordinance.
- b. agree to hiring of certified police officers, and fire-ems personnel at the expense of the licensee. The Police Chief, and Fire – EMS Chief will be notified no less than 45 days before the proposed event that the personnel will be needed;
- c. demonstrate, by means of a written, descriptive plan addressing the standards of this Ordinance, that adequate facilities will be provided at the site of the Large Outdoor Event, in order to protect the health of the people who attend, including:
 - i. adequate waste disposal facilities;
 - ii. adequate fire-ems and police personnel;
 - iii. adequate water supplies;
 - iv. adequate first aid, ~~ems rescue~~ and fire facilities, and police equipment; and
 - v. adequate communication facilities;

- d. give notice to the appropriate Town, County and State officials, as named by the Town Council;
- e. demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available;
- f. provide, for major Large Outdoor Events, a detailed plan showing how crowd security and police protection of private property will be accomplished;
- g. provide, for Major Large Outdoor Events, a detailed plan for controlling traffic, which shall contain:
 - i. a description of routes which persons attending are likely to take;
 - ii. methods to be used to publicize alternative routes;
 - iii. the number of persons who will be present to direct traffic at the site both before and after the event and their locations, and;
 - iv. a description of what means will be available to remove disabled vehicles from locations under the control of the Operator where such vehicles would prevent the free flow of traffic.
- h. provide a contract with a waste disposal company to remove waste from the site.

IV. LICENSE STANDARDS

In reviewing Large Outdoor Event license applications submitted pursuant to Section III A, the Town Council shall determine whether to issue a license based upon whether the application meets all of the following standards:

- A. Access - That convenient and safe access for the ingress and egress of pedestrian and vehicular traffic exists, and that all public roadways in the proximity of the Large Outdoor Event shall be adequately staffed with uniformed police officers to insure safety to all the public.
- B. Grounds -
 - 1. That each Large Outdoor Event Assembly Area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment.

2. That trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

3. That the grounds shall be maintained free from accumulation of refuse, and from health and safety hazards constituting a nuisance as defined.

4. That illumination shall be provided at night beginning one half hour before sunset to protect the safety of the persons at the Large Outdoor Event. The Assembly Area shall be adequately lighted, but lighting shall not unreasonably reflect beyond the Assembly Area boundaries unless adjacent properties are uninhabited.

5. That parking shall be provided for persons arriving by vehicular means; that service road and parking spaces shall be located so as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; that the width of the service road should not be less than the following: 1 traffic lane -- 12'; 2 traffic lanes -- 24'; parallel parking lanes -- 7', that adequate parking space shall be provided which means that there shall be at least one parking space to every three persons and the density shall not exceed one hundred passenger cars or 30 buses per usable acre.

6. That at least ten (10) square feet per person shall be provided on the site for a Large Outdoor Event with assigned seating; that at least fifteen (15) square feet shall be provided for a Large Outdoor Event with festival seating; and that no overnight assemblage shall be permitted.

C. Water Supply -

1. That an adequate, safe supply of potable water, meeting the requirements of the State Department of Human Services, Division of Health Engineering, shall be provided and that common cups shall not be used.

2. That transported water shall be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the State Department of Human Services, Division of Health Engineering.

D. Sanitation -

1. That where water is distributed under pressure and flush toilets are used, the water system shall deliver water at a normal operating pressure (20 lbs per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).

2. That when water is not available under pressure, and non water carriage toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and lavatory purposes.
3. That where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.
4. That sanitary facilities shall be separate for males and females, and shall be provided at the rate of one for each 200 persons. Any other proposal for providing sanitary facilities must be in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.
5. That the required sanitary facilities shall be conveniently accessible and well defined.
6. That each toilet shall have a continuous supply of toilet paper.
7. That service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials; the buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.
8. That separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex, and each toilet room shall be screened so that the interior is not visible from the outside.
9. That wastewater shall be discharged in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.
10. That disposal and/or treatment of any excretion or liquid waste shall be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

E. Refuse Disposal

1. That refuse shall be collected, stored, and transported in such a manner as to protect from odor, infestation of insects and/or rodents any and other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the Large Outdoor Event or of the public.
2. That refuse containers shall be readily accessible and that one (1) fifty gallon refuse container or its equivalent shall be provided for each one hundred

persons anticipated or that one (1) sixteen (16) cubic yard trash container shall be provided for every five thousand (5,000) persons anticipated. All trash barrels shall be lined with plastic bags.

3. That the area where motor vehicles are parked shall have one (1) fifty, (50) gallon refuse container or its equivalent for every two hundred, (200) such motor vehicles.

4. That all refuse shall be collected from the Assembly Area at least twice each twelve (12) hour period of the Large Outdoor Event, with a minimum of two (2) such collections per Large Outdoor Event exceeding six (6) hours, or more if it is necessary, and disposed of at a waste disposal site approved by the Town.

5. That the grounds and immediate surrounding property shall be cleared of refuse within twenty-four (24) hours following the Large Outdoor Event.

F. Vermin Control - That insects, rodents and other vermin shall be controlled by proper sanitation practices, extermination or other safe, and effective control methods, where necessary animal parasites and other disease-transmitting nuisances shall be controlled.

G. Safety

1. That where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the applicable State standards and regulations and the Town's Electrical Codes.

2. That the grounds, building, and related facilities shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.

3. That internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

4. That the Town of Cumberland Fire Department has been informed of the Large Outdoor Event and that adequate fire protection equipment is available.

5. That for Large Outdoor Events, at least one law enforcement officer per 1,000 persons expected to attend the Large Outdoor Event shall be on site to assist in crowd and traffic control, and for Major Large Outdoor Events, there shall be a minimum ratio of 5 officers for every 2,000 additional persons beyond 5,000 persons in attendance.

H. Medical

1. That emergency medical services shall be provided. All personnel must be Cumberland Fire-EMS personnel and/or approved by the Chief of the Cumberland Fire -EMS Department and they shall be licensed by the State of Maine, as either Physician Assistant, R.N., or Emergency Medical Technician.
2. That a First Aid building or tent with adequate medical supplies shall be available.
3. That an adequate number of vehicles duly licensed by the State of Maine as ambulances shall be available on the site during the complete time of the Large Outdoor Event.
4. That telephone and radio communications shall be provided and kept available for emergency purposes.
5. That the Chief of the Cumberland Fire – EMS Department shall determine the number of E.M.T. personnel and ambulances needed.

I. Noise

1. No Large Outdoor Event shall continue beyond 11:00 p.m.

VI. WAIVERS

The Town Council may, in its discretion, waive any of the requirements ~~under Section III~~ of this ordinance, if it finds the requirement of information or materials with the application is unnecessary or irrelevant to the review of a particular mass gathering permit application.

V. ENFORCEMENT, PENALTY, ASSIGNABILITY

The Town Of Cumberland shall enforce this Ordinance through its Code Enforcement Officer. Anyone violating any provision of this Ordinance shall be subject to a fine in an amount to be set per order of Town Council for each violation. Each day such violation continues shall constitute a separate offense. Licenses issued hereunder shall not be transferable or assignable.

AMENDED: 12/28/81
04/22/96
09/2009
09/2010

ITEM 10-126

To set a Public Hearing date (September 27th) to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

..138 **Setback:** The shortest horizontal distance between a lot line and any structure on a lot, except that for purposes of regulation of lots, buildings, structures and uses located within the shoreland area, setback shall also mean the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area. **An architectural feature attached to a structure at an above ground level may extend into the vertical plane of the setback to an extent not to exceed two feet, subject to Shoreland zoning provisions and requirements.**

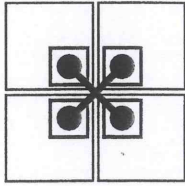
A street or other right-of-way, other than a driveway that serves no more than two (2) residential lots, that is or may be utilized for motor vehicle access or a street shown on a subdivision plan recorded in the Registry of Deeds in which the Town has reserved its right under the provisions of 23 M.R.S.A. § 3032 shall not be included within a setback. Where a street or other right-of-way that is or may be used for motor vehicle access, other than a driveway that serves no more than two residential lots, is located within the boundaries of a property, the required setback shall be measured from the nearest edge of the street or right-of-way rather than the property line. [Adopted, effective 12/10/91, Amended, effective 3/24/03]

Ordinance Subcommittee 8-3-10

I think this language below goes a little further than the Committee felt comfortable with, but he can bring it up at the Public Hearings – Bill Shane

Submitted by David Lay

Setback: The shortest horizontal distance between a lot line and any structure on a lot measured to the building area, except that upper floors may not encroach into setbacks, unenclosed entry steps with or without a roof may encroach into setbacks not more than 50 square feet area or 6 feet distance, and eaves and trim may encroach into setbacks not more than 2 feet distance. Except that for purposes of regulation of lots, building structures, and uses located within the shoreland area, setback shall also mean the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space, or other regulated object or area."



David R. Lay, Architect

3 Crestwood Road
Cumberland Center, ME 04021
207-653-7658
drlay@drlay.net

August 19, 2010

William R. Shane
Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Mr. Shane:

Last summer I spoke to you of my home remodel project and the fact that I had been asked by the building inspector to delete the overhang from my garage to comply with his interpretation of the setback rule in the code. You suggested that I could attend a meeting of a town committee that considers such things to discuss the code interpretation. I would like to take you up on that invitation now.

The code defines setbacks, but offers no definition of what the setback is to be measured to.

- ♦ A building is defined as a structure and the building area defined as being measured from the exterior face of walls exclusive of porches, terraces, and steps.
- ♦ A structure is defined as anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind.
- ♦ A setback is defined as the horizontal distance between a lot line and any structure.

Zoning codes generally take two approaches to the application of setback measurements.

- ♦ Some municipalities state that setbacks are to be to the nearest part of the structure, and that the setback is to be open to the sky and free of any eave or trim.
 - I thought to use Scarborough as an example, but found that Scarborough defines a yard as being open to the sky, and then shows an example graphic with eaves protruding into a yard. (Not a good example.)

David R. Lay
August 19, 2010

- ◆ Others identify that eaves, trim or porches of limited size may intrude into the setback plane.
 - Portland allows projections in required yard areas: “Any yard may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed fifty square feet nor the projection from the building not exceed six feet. A basement bulkhead of similar size but not more than twenty-four inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into a required yard a distance of not more than two feet.”

These are two approaches to design. Setbacks are generally instituted to maintain a level of openness in a neighborhood. Still, there are other design features which make a neighborhood desirable, such as trees and plants, well detailed houses, hidden utilities, and well performed maintenance. Municipalities that have zoning code that permit setback encroachments have such in order to encourage the benefits that architectural texture bring to a neighborhood. People prefer porches, house trim, and stylized houses because they are perceived as being of higher quality. They also make our neighborhoods more interesting.



David R. Lay
August 19, 2010

Some homes would likely benefit from more trim.



My neighborhood was zoned after it was constructed. Under the building inspector's interpretation of the setback rule, nearly all of the homes are non-compliant. My own home and my immediate neighbors to either side have eaves and porches encroaching into the setback.



I have built my home improvements with one of the eaves of my garage lopped off. I ask that you, and our town's committee, consider applying our own zoning ordinance as Portland does, permitting limited encroachments into the setback. This benefits the town and its citizens, and encourages builders to enhance buildings without giving up on buildable area.

David R. Lay
August 19, 2010



I would be pleased to sit with the committee and review this. Please let me know when the committee meets, and when I can be included in the agenda.

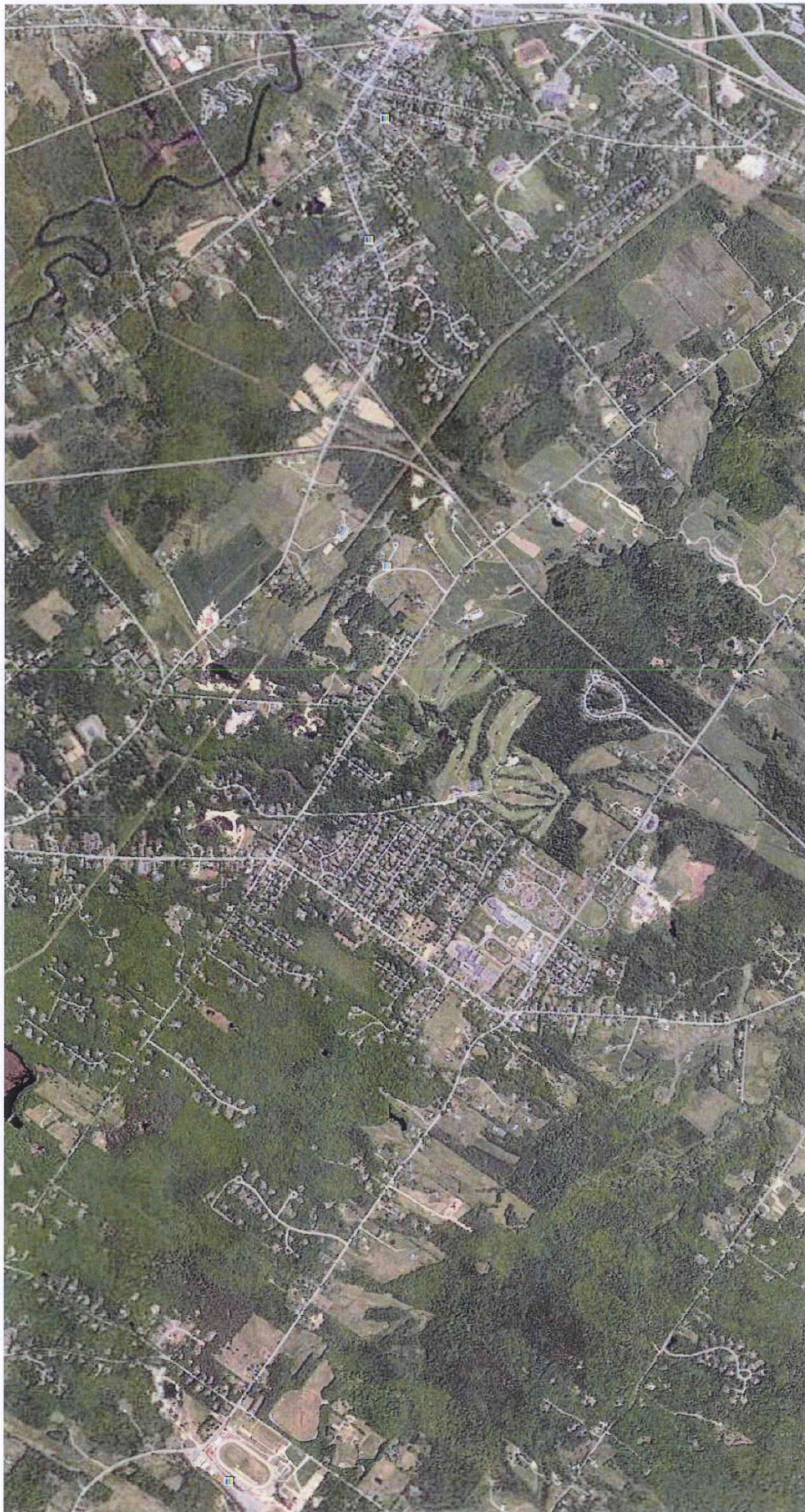
I am about to undertake finishing my project and it would be great to be able to fix the eave at the same time.

Thank you.

Sincerely,

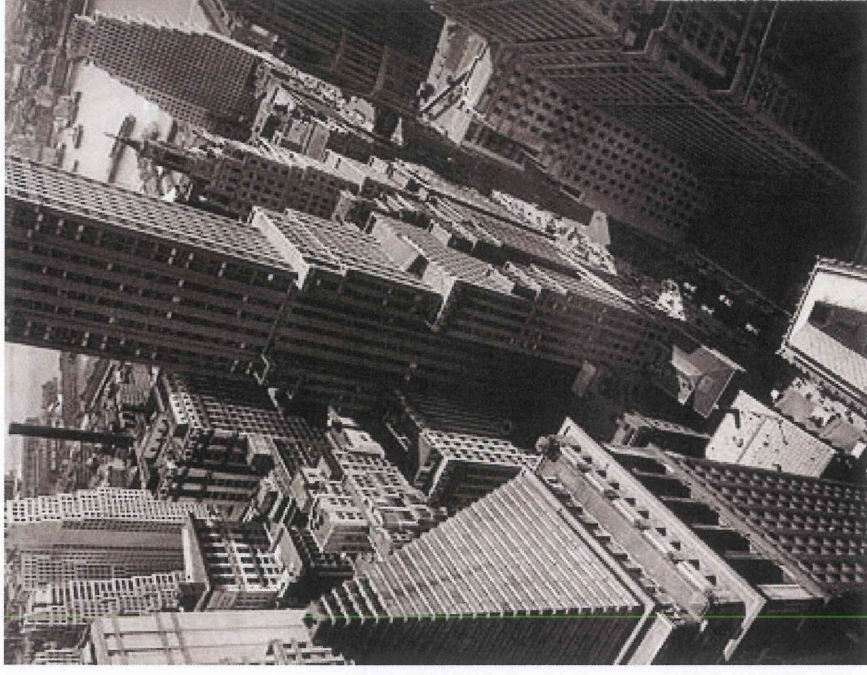
A handwritten signature in blue ink, appearing to read "David Lay". The signature is stylized with a large "D" and a long, sweeping "L".

David Lay



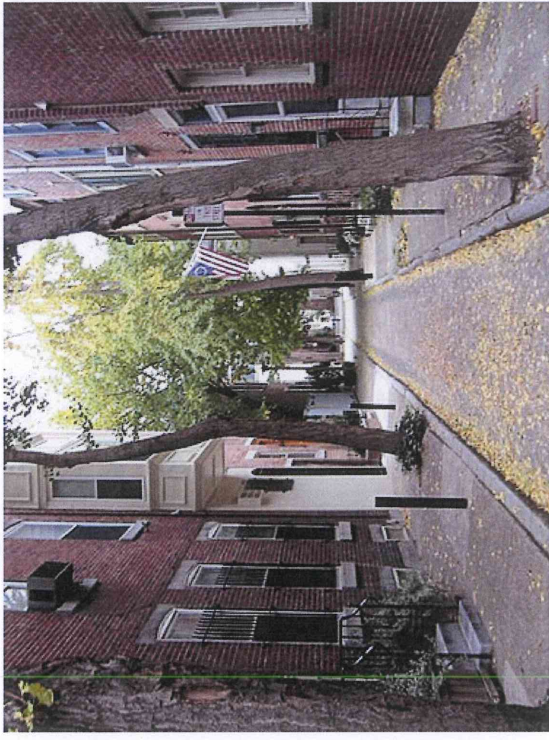
Setbacks

- Setbacks establish a yard area between the Right-of-Way and permitted structures on a lot.
- Initially used in New York City with the advent of high rise structures (made possible by the invention of the elevator brake by Mr. Otis) setbacks make sure that adequate light and air reaches the street.



Setbacks

- Access for fire fighting equipment was found to require wider streets.
- Wider spaces between structures also helped restrain fires from spreading building to building.



Philadelphia

Setbacks

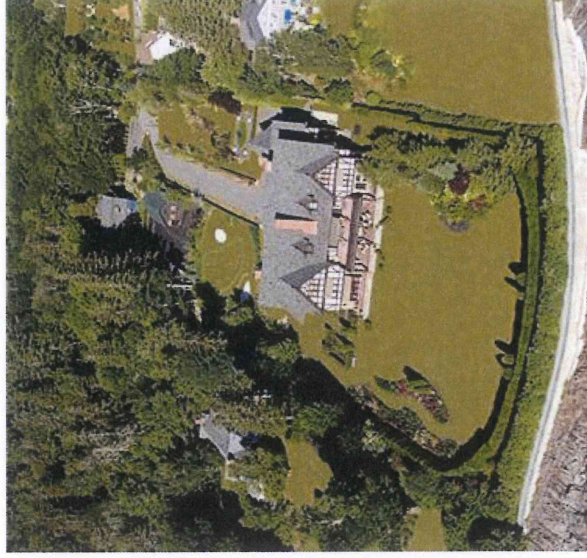
- Initially, cities found themselves with no way to widen streets for traffic increases except by demolishing buildings. New facades were erected on the reduced building.



St. Louis

Setbacks

- 19th c. designers romanticized the country estate or villa, and later the “cottage” as well, as in Bar Harbor.

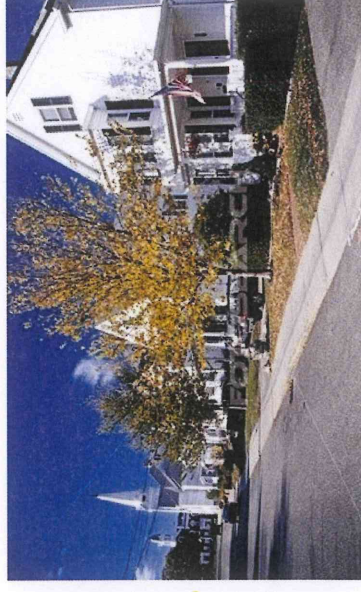


“The villa should indeed be a private house, where beauty, taste, and moral culture are at home. In the fine lines of the whole edifice, either dignified, graceful or picturesque, in the spacious or varied verandas, arcades, and windows, in the select forms of windows, chimney-tops, cornices, the artistic knowledge and feeling has full play,...”

The Architecture of Country Houses
A. J. Downing, 1850

Setbacks

- 19th c. and early 20th c. residential development mimicked the country estates of the wealthy, establishing setbacks in neighborhoods to create a wealthy country estate connection. Eventually setbacks became the norm for all areas, good and bad.



Setbacks

- Some municipalities clearly state that the setback requirement is to anything or any part of the structure.

Cambridge, MA: “Yard: An open unoccupied space on the same lot with a building, open and unobstructed from ground to sky.”



Portsmouth, NH: “Yard – An open space from the ground upward and open to the sky on the same lot as a building or structure.”

Setbacks

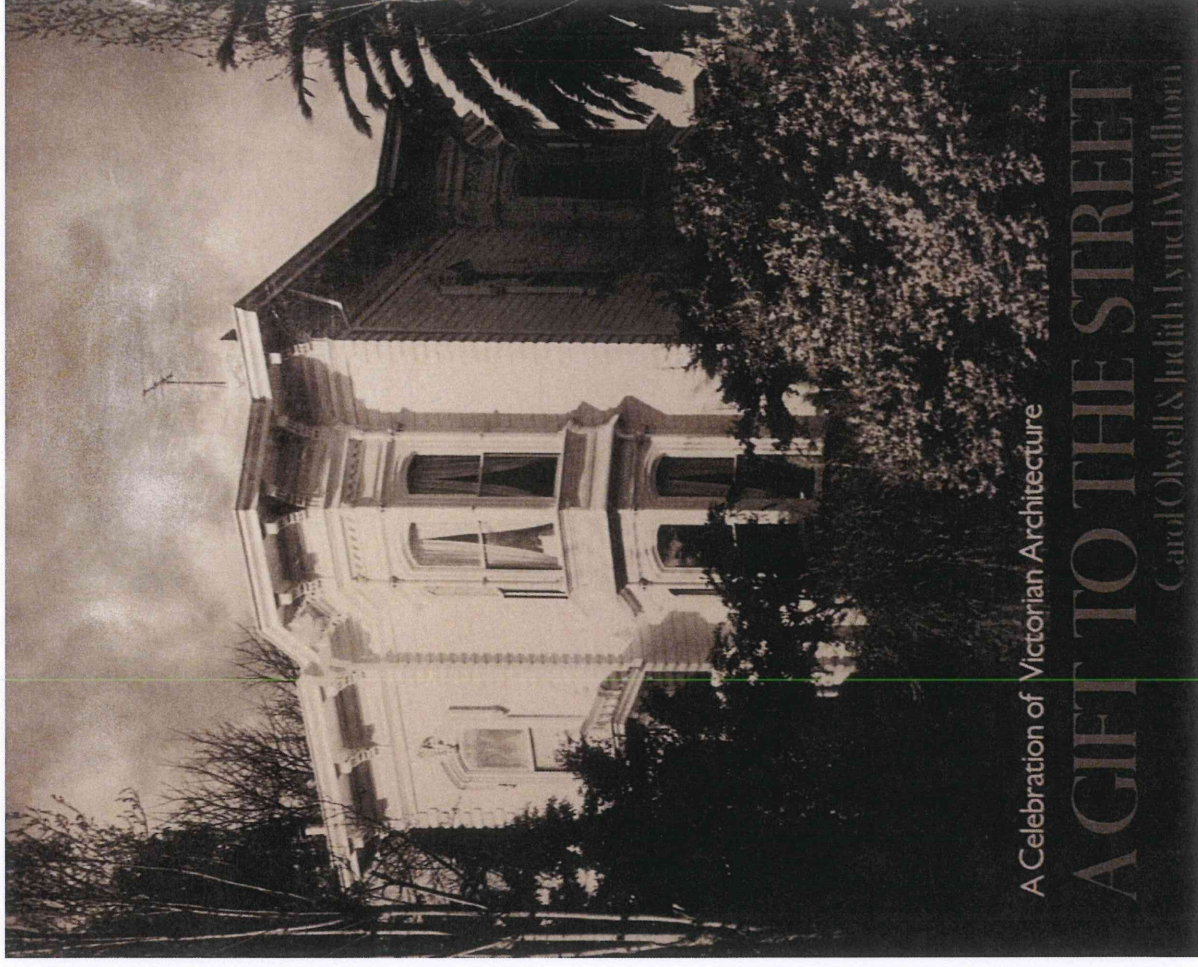
- Some municipalities encourage certain building features with the understanding that houses with eaves and trim are appreciated by all.
- Portland clearly allows encroachments into setbacks for trim and even for open porches.

Portland ME: “Yard: A space on a lot which is required by this article to be maintained open, unoccupied and unobstructed between lot lines and any structure, except as permitted in this article.”

“Any yard may be occupied by a one story porch not enclosed, with or without a roof, if the area does not exceed fifty square feet nor the projection from the building exceed six feet. A basement bulkhead of similar size, but not more than 24 inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into any required yard a distance of not more than two feet.”

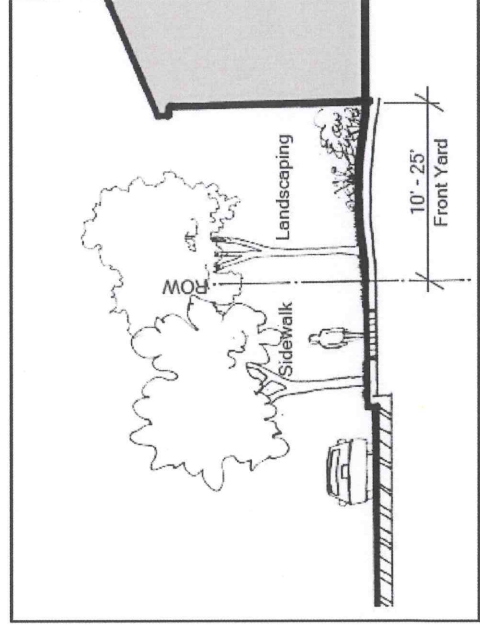
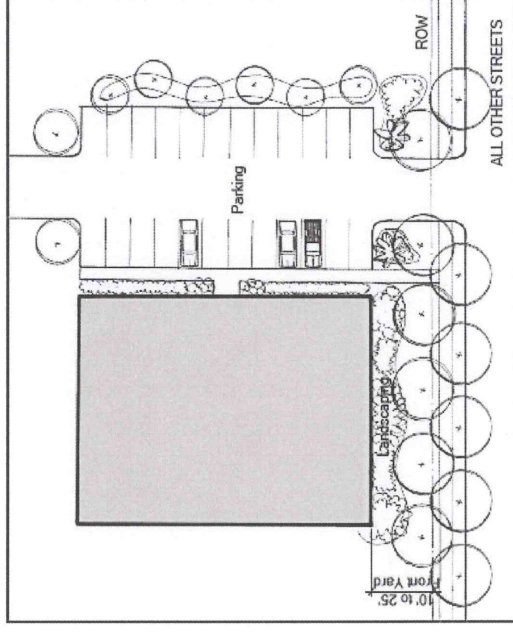
Setbacks

- Nicely designed and nicely trimmed houses, no matter what style, benefit a neighborhood.



Setbacks

- Scarborough has language which seems clear, but then a contradictory set of graphics showing setbacks including the roof eaves.



Scarborough, ME: “Yard: A space, open to the sky, which is not occupied with any buildings or structures and is located on the same lot with a building or structure.”

Setbacks

- Yarmouth is nearly concise.

Yarmouth, ME: “Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, poles, wiring, and other aerial equipment normally associated with Service Drops as well as guying and guy anchors. The term includes Structures temporarily or permanently located, such as decks, patios, and satellite dishes.”

“All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade, shall not project into any minimum front, side, or rear yard setback.”

Setbacks

- Cumberland:

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Area: Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of unenclosed porches, terraces, and steps. All dimensions shall be measured between exterior faces of walls.

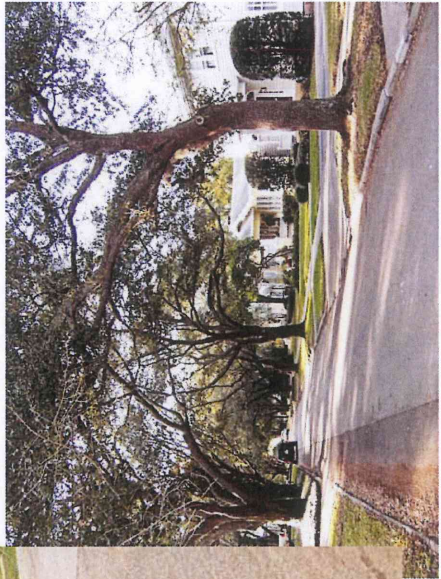
Setback: The shortest horizontal distance between a lot line and any structure on a lot, except that for purposes of regulation of lots, building structures, and uses located within the shoreland area, setback shall also mean the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space, or other regulated object or area.”

Recommendation

- Cumberland:

Setback: The shortest horizontal distance between a lot line and any structure on a lot, measured to the building area, except that upper floors may not encroach into setbacks, unenclosed porches may encroach into setbacks not more than 50 square feet area or 6 feet distance, and eaves and trim may encroach into setbacks not more than 2 feet distance.

Except that for purposes of regulation of lots, building structures, and uses located within the shoreland area, setback shall also mean the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space, or other regulated object or area.”



ITEM 10-127

To hear a report from the Ordinance Committee re:
PACE program and ordinance.

MODEL PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Version 2 – Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the City of/Town of _____ declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town. The City/Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The City/Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Chapter/Ordinance shall be known and may be cited as “the City/Town of _____ Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. **Municipality.** “Municipality” shall mean the City/Town of _____.

3. **PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

5. **PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. **PACE loan.** "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.
9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of the Municipality.
10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.
11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.
2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE VI – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

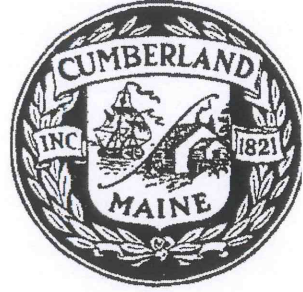
ITEM

10-128

To hear a report from the Cumberland/North Yarmouth Joint Liaison Committee re: meeting with North Yarmouth and pending agreements (ACO, sidewalk snow plowing and Channel 2)



North Yarmouth & Cumberland Joint Standing Committee



Agenda

Monday, August 30, 2010

Cumberland Town Hall- East Conference Room

7:00 PM

- I. Welcome and Introductions
- II. Review of proposed Agreements
 - a. ACO
 - b. Channel 2
 - c. Sidewalk Plowing
- III. Discussion of Proposal of Library & Recreation Funding
 - a. New Formula based on Population
 - b. Twin Brook Maintenance Funding
- IV. Other Business
 - a. Joint Meeting with MSAD?
 - b. Joint Meeting with Select Board and Town Council?
- V. Adjournment

**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____.

WHEREAS, the Town of North Yarmouth (“North Yarmouth”) has a need for the plowing and sanding of their sidewalks; and

WHEREAS, the Town of Cumberland (“Cumberland”) is willing to provide such services of its Public Works Department employees and equipment on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Scope of Work. Cumberland shall plow and sand to safe walking condition, the North Yarmouth sidewalks that exist at the time this Agreement is signed.
2. Employer. Cumberland Public Works Department Employees shall remain employees of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits, workers’ compensation and liability coverage.
3. North Yarmouth Obligations. North Yarmouth shall be responsible for providing information to the Cumberland Public Works Department as to the conditions of the sidewalks and when to begin plowing and sanding operations.
4. Cost. North Yarmouth agrees to pay ~~reimburse~~ Cumberland a fee of \$100.00 per hour for each hour Cumberland’s equipment and manpower is provided.

5. Indemnification. Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

6. Term. This Agreement shall remain in effect until June 30, 2011 unless sooner terminated in accordance with Section 8 of the Agreement.

7. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing or should North Yarmouth fail to pay its bill within 45 days.

8. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

9. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____
It's Administrative Assistant

**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____. .

WHEREAS, the Town of North Yarmouth ("North Yarmouth") has a need for public access television rebroadcasting services ; and

WHEREAS, the Town of Cumberland ("Cumberland") is willing to provide such services of its Public Access Department employees and equipment on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Scope of Work. Cumberland shall broadcast North Yarmouth's pre-recorded meetings when copies of such meetings are delivered to their offices. Each recorded meeting shall be rebroadcast at the least 3 more times.

Cumberland shall be responsible for the scheduling of all broadcasts for their access channel.

2. Employer. Cumberland Public Access Department Employees shall remain employees of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits, workers' compensation and liability coverage.

3. North Yarmouth Obligations. North Yarmouth shall be responsible for providing copies of their public meetings within 48 hours in an electronic format as dictated by Cumberland.

4. Cumberland Obligations. Cumberland agrees to rebroadcast each meeting at least once within 1 week of the date of the original recorded meeting and the other two times as their schedule allows.

~~Cumberland further agrees that prior to another contract being negotiated, they shall provide to North Yarmouth Board of Selectmen a detail breakdown of total hours of operation of their public access channel and the percentage of time that North Yarmouth specific items are shown on their channel.~~ Cumberland agrees to forward all

requests for broadcast on the Channel 2 bulletin board to the Administrative Assistant in North Yarmouth for approval prior to slide development or airing of the slide.

5. Cost. North Yarmouth agrees to ~~pay~~ reimburse Cumberland a fee of \$2,000 per year, payable quarterly. Fee shall be paid on or before September 1st, December 1st, March 1st and June 1st.

6. Indemnification. Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

7. Term. This Agreement shall remain in effect until June 30, 2011 unless sooner terminated in accordance with Section 8 of the Agreement.

8. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing or should North Yarmouth fail to pay its quarterly fee within 45 days.

9. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

10. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____
It's Administrative Assistant

**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____.

WHEREAS, the Town of North Yarmouth ("North Yarmouth") has a need for the services of an Animal Control Officer; and

WHEREAS, the Town of Cumberland ("Cumberland") is willing to provide the services of its Animal Control Officer to North Yarmouth on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Appointment of North Yarmouth Animal Control Officer. North Yarmouth, shall appoint Charles Burnie, the Cumberland Animal Control Officer, with the consent of Cumberland, as the North Yarmouth Animal Control Officer for a term of 1 year.

Should Charles Burnie be unable to perform the duties of Animal Control Officer, Cumberland shall so inform North Yarmouth. Cumberland, working with North Yarmouth, shall recommend a replacement, that if found to be satisfactory, shall then be appointed as the North Yarmouth Animal Control Officer.

2. Scope of Employment. Charles Burnie, or a replacement, shall perform all duties and responsibilities imposed by State law and Municipal Ordinance as the North Yarmouth Animal Control Officer and will provide information to municipal officials and citizens, state agencies, vendors and other persons with interest in activities pertaining to the animal control function of North Yarmouth.

3. Employer. Charles Burnie, or a replacement, shall remain an employee of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits workers' compensation and liability coverage.

4. North Yarmouth Obligations. North Yarmouth shall be responsible for providing officer space, furniture, equipment and support, legal counsel and assessment defense costs and reviews as needed, and appeals processes. North Yarmouth shall provide such additional support and other necessary resources and functions as North Yarmouth

shall deem necessary and prudent for the proper administration of the animal control function in its community.

5. Cost. North Yarmouth agrees to **pay reimburse** Cumberland a fee of \$75.00 per call made by ACO Burnie, or his replacement.

6. Indemnification Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

7. Term. This Agreement shall remain in effect until June 30, 2010 unless sooner terminated in accordance with Section 8 of the Agreement.

8. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing **or should North Yarmouth fail to pay its bill within 45 days.**

9. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

10. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____
It's Administrative Assistant

ITEM 10-129

To set a Public Hearing date (September 27th) to consider and act on the annual “blanket” Mass Gathering Permit for all fall events at Twin Brook.

no materials

ITEM 10-130

To set a Public Hearing date (September 27th) to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

09/13/2010 16:20
todonnell

TOWN OF CUMBERLAND
CUSTOMER STATEMENT

PG 1
arcidstm

CURRENT OWNER:
LANDRUM LINDA M
MARR ARTHUR P
52 SARGENT STREET
WESTBROOK ME 04092

CUSTOMER ID: 101756

INTEREST DATE: 06/01/2006

YEAR	TYPE	CHARGE	BILLED	PRIN DUE	INT/COST	TOTAL DUE
2011	RE-R 1	REAL ESTAT	55.85	55.85	.00	55.85
2011	RE-R 2	REAL ESTAT	55.84	55.84	.00	55.84
BILL# 20111651			111.69	111.69	.00	111.69
2010	TL-R 1	REAL ESTAT	106.22	106.22	.00	106.22
	1	CERTIFIED	5.54	5.54	.00	5.54
	1	NOTFEE	3.00	3.00	.00	3.00
	1	LNFE	9.00	9.00	.00	9.00
	1	REGFEE	26.00	26.00	.00	26.00
	1	COLLECTORS	1.00	1.00	.00	1.00
	1	TAX LIEN I	4.81	4.81	.00	4.81
BILL# 20106064			155.57	155.57	.00	155.57
2009	TL-R 1	REAL ESTAT	102.20	102.20	.00	102.20
	1	CERTIFIED	5.44	5.44	.00	5.44
	1	NOTFEE	3.00	3.00	.00	3.00
	1	REGFEE	26.00	26.00	.00	26.00
	1	COLLECTORS	1.00	1.00	.00	1.00
	1	LNFE	9.00	9.00	.00	9.00
	1	CERTIFIED	5.54	5.54	.00	5.54
	1	NOTFEE	3.00	3.00	.00	3.00
	1	TAX LIEN I	5.62	5.62	.00	5.62
BILL# 20096070			160.80	160.80	.00	160.80
2008	TL-R 1	REAL ESTAT	106.92	106.92	.00	106.92
	1	CERTIFIED	5.32	5.32	.00	5.32
	1	NOTFEE	3.00	3.00	.00	3.00
	1	COLLECTORS	1.00	1.00	.00	1.00
	1	LNFE	9.00	9.00	.00	9.00
	1	REGFEE	26.00	26.00	.00	26.00
	1	TAX LIEN I	6.44	6.44	.00	6.44
BILL# 20080062			157.68	157.68	.00	157.68
2007	TL-R 1	REAL ESTAT	104.76	104.76	.00	104.76
	1	CERTML	5.21	5.21	.00	5.21
	1	COLFEE	1.00	1.00	.00	1.00
	1	LNFE	9.00	9.00	.00	9.00
	1	NOTFEE	3.00	3.00	.00	3.00
	1	REGFEE	26.00	26.00	.00	26.00
	1	TLNINT	5.70	5.70	.00	5.70
BILL# 20075068			154.67	154.67	.00	154.67

09/13/2010 16:20
todonnell

TOWN OF CUMBERLAND
CUSTOMER STATEMENT

PG 2
arcidstm

YEAR	TYPE	CHARGE	BILLED	PRIN DUE	INT/COST	TOTAL DUE
2006	TL-R	1 REAL ESTAT	101.52	101.52	.00	101.52
		1 CERTIFIED	4.42	4.42	.00	4.42
		1 TAX COLLEC	3.00	3.00	.00	3.00
		1 COLLECTORS	1.00	1.00	.00	1.00
		1 REGISTRY	20.00	20.00	.00	20.00
		1 ADDITIONAL	9.00	9.00	.00	9.00
		1 TAX LIEN	3.91	3.91	.00	3.91
		1st INST. TOTAL	142.85	142.85	.00	142.85
		BILL# 2006077	142.85	142.85	.00	142.85
		GRAND TOTALS	883.26	883.26	.00	883.26

** END OF REPORT - Generated by Tammy Odonnell **

State Use: 1320
Print Date: 09/13

VISION

Total Land Value:	7,300
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Total Land Value:	7,300
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CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd.	Ch. Description	Element	Cd.	Ch. Description
Model	00	Vacant			
			MIXED USE		
			Code	Description	Percentage
			1320	RES ACLNUD	100
			COST/MARKET VALUATION		
			Adj. Base Rate: 0.00		
			Section. RCN: 0		
			Net Other Adj: 0.00		
			Replace Cost 0		
			AYB		
			EYB 0		
			Dep Code		
			Remodel Rating		
			Year Remodeled		
			Dep %		
			Functional ObsInc		
			External ObsInc		
			Cost Trend Factor 1		
			Status		
			% Complete		
			Overall % Cond		
			Apprais Val		
			Dep % Ovr 0		
			Dep Ovr Comment 0		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr 0		
			Cost to Cure Ovr Comment		
			OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)		
Code	Description	Sub	Sub Description	L/B Units	Unit Price Yr
				Gde	Dp Rt
				Cnd	%Cnd
					Apr Value
			BUILDING SUB-AREA SUMMARY SECTION		
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost
					Undeprec. Value

No Photo On Record

No Photo On Record



Windham

NEW BUSINESS

FOR 2011 02

	ORIGINAL APPROP	TRANSFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
001 General Fund							
130 Administration	422,208	0	422,208	83,061.08	.00	339,146.92	19.7%
140 Assessor	80,653	0	80,653	28,715.59	.00	51,937.41	35.6%
150 Town Clerk-HR-Tax Collector	284,010	0	284,010	44,190.62	.00	239,819.38	15.6%
160 Technology	152,551	0	152,551	41,106.33	.00	111,444.67	26.9%
165 Elections	17,949	0	17,949	1,148.92	.00	16,800.08	6.4%
170 Planning Board	81,065	0	81,065	12,556.94	.00	68,508.06	15.5%
190 Legal	40,000	0	40,000	4,356.17	.00	35,643.83	10.9%
210 Police	962,059	0	962,059	173,829.61	.00	788,229.39	18.1%
220 Fire	708,078	0	708,078	126,562.91	1,245.00	580,270.09	18.0%
230 Rescue	0	0	0	66.95	.00	-66.95	100.0%
240 Code Enforcement	82,723	0	82,723	5,987.37	.00	76,735.63	7.2%
260 Canine Control	39,413	0	39,413	6,473.48	.00	32,939.52	16.4%
310 Public Works	869,550	0	869,550	149,142.40	.00	720,407.60	17.2%
320 Waste Disposal	756,452	0	756,452	91,841.40	.00	664,610.60	12.1%
410 Recreation	450,489	0	450,489	173,572.62	.00	276,916.38	38.5%
430 Parks	165,642	0	165,642	47,957.79	.00	117,684.21	29.0%
440 West Cumberland Rec	8,100	0	8,100	670.03	.00	7,429.97	8.3%
450 Library	353,580	0	353,580	64,222.45	.00	289,357.55	18.2%
580 General Assistance	19,347	0	19,347	5,294.58	.00	14,052.42	27.4%
590 Health Services	9,027	0	9,027	2,182.51	.00	6,844.49	24.2%
620 Cemetary Association	22,000	0	22,000	22,000.00	.00	.00	100.0%
630 Conservation Commission	1,500	0	1,500	.00	.00	1,500.00	.0%
640 Rines Forest	1,500	0	1,500	.00	.00	1,500.00	.0%
650 Debt Service	998,578	0	998,578	116,540.33	.00	882,037.67	11.7%
750 Insurance	254,252	0	254,252	100,985.29	.00	153,266.71	39.7%
800 Fire Hydrants	59,000	0	59,000	4,512.08	.00	54,487.92	7.6%
810 Street Lighting	30,000	0	30,000	2,774.63	.00	27,225.37	9.2%
830 Contingent	10,000	0	10,000	.00	.00	10,000.00	.0%
840 Municipal Building	162,675	0	162,675	23,300.35	.00	139,374.65	14.3%
850 Abateements	10,000	0	10,000	.00	.00	10,000.00	.0%
860 MSAD #51	11,830,338	0	11,830,338	1,968,856.16	.00	9,861,481.84	16.6%
890 County Tax	600,901	0	600,901	.00	.00	600,901.00	.0%
910 Capital Imp. Plan	333,485	0	333,485	333,485.00	.00	.00	100.0%
TOTAL General Fund	19,817,125	0	19,817,125	3,635,393.59	1,245.00	16,180,486.41	18.4%
GRAND TOTAL	19,817,125	0	19,817,125	3,635,393.59	1,245.00	16,180,486.41	18.4%

** END OF REPORT - Generated by Nancy Murray **



Federal Emergency Management Agency

Washington, D.C. 20472

August 20, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
101/155

Ronald Copp, Jr.
Chairperson, Town Council
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Community: Town of Cumberland,
Cumberland County, Maine
Community No.: 230162

Dear Mr. Copp:

On May 20, 2009, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM). The FIS report and FIRM for your community were prepared in our countywide format, which means that flood hazard information for the entire geographic area of the county, including your community and all jurisdictions, was presented. This information makes it appropriate to modify the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) for certain locations in the Town of Cumberland, Cumberland County, Maine (All Jurisdictions). Public notification by way of a Standard Newspaper Notice that the proposed modifications in Base Flood Elevations (BFEs) are posted in the BFE Notice for Studies on the FEMA Website https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp, will be given in the *Bridgton News*, *The Forecaster*, *Portland Press Herald*, and *The Times Record* on or about August 26, 2010, and September 2, 2010. The BFEs for the flooding sources are listed in the table at the end of the BFE Notice for Studies. Also, the proposed BFE determinations can be obtained by calling the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). A copy of the Standard Newspaper Notice and a copy of the Correction Notice of Proposed Flood Elevation Determinations published in the *Federal Register*, on August 9, 2010 at Part 67, Volume 75, Pages 47751 thru 47753 are enclosed for your information.

These proposed BFEs, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any revised BFEs are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed BFEs.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of BFE determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the BFE determinations final. The appeal procedure is outlined below for your information. The regulations FEMA developed to implement Section 110 are listed in Title 44, Chapter I, Part 67, Code of Federal Regulations. A copy of the NFIP regulations is enclosed.

During the 90-day appeal period following the second publication in *The Forecaster*, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the BFE determinations may appeal to you, or to an agency that you publicly designate. You must send copies of the individual appeals to the FEMA Region as soon as you receive them. Note that the 90-day appeal period is statutory and cannot be extended or shortened for any reason. It is important to know, however, that the sole basis for the appeals is having knowledge or information indicating that the proposed BFE determinations are scientifically or technically incorrect. However, inquiries regarding data other than the proposed BFE determinations (e.g., incorrect street names, typographical errors, omissions) will be considered as comments and not appeals. Any applicable changes will be made before the revised FIS report and FIRM become effective.

During the appeal period, private citizens who want to appeal should present to you the scientific or technical data intended to negate or contradict FEMA's findings in any form, as you specify. FEMA requests that you review and consolidate all appeals by private persons, and issue a written opinion stating whether the evidence presented is sufficient to justify an official appeal by your community on behalf of such persons. Your decision on whether an appeal by the community in its own name will be made must be sent to this office within the 90-day appeal period and at the same time a copy must be sent to the following individual:

Amol Daxikar
50 Hampshire Street
Cambridge, Massachusetts 02139

Any documents submitted to you without evidence that they were sent within 90 days of the second publication in the local newspaper will be considered comments. Your community may find it appropriate to call further attention to the proposed BFE determinations and to the appeal procedure by using a press release or other public notice.

If the FEMA Region does not receive an appeal from your community on behalf of individuals within the 90 days provided, FEMA shall consolidate and review on their own merits the individual appeals, which you have on file and forwarded to us. FEMA's final decision will be in writing, and copies will be sent to each individual appellant and the State coordinating agency.

The appeal resolution process will consider any scientific or technical data submitted by your community intended to negate or contradict the information upon which the proposed BFE determinations are based. The appeal will be resolved by consultation with officials of the local government involved, an administrative hearing, or submission of the conflicting data to an independent scientific body or appropriate Federal agency for a determination. FEMA will determine the method for resolution.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time as specified in Part 65 of the NFIP Regulations. If warranted, FEMA will revise the FIRM again after the effective date.

The reports and other information used for the final determination will be made available for public inspection. Until the conflict of data is resolved and the FIRM becomes effective, flood insurance available within your community shall continue to be available in accordance with the effective FIRM dated July 15, 1992.

If warranted by substantive changes, during the appeal period, FEMA will send to you revised copies of the FIS report and FIRM. At the end of the 90-day appeal period and following the resolution of any appeals, FEMA will send you a letter of final BFE determinations.

The FIRM panels for All Jurisdictions have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. In the mean time, if you have any questions about the digital files please contact Amol Daxikar, 50 Hampshire Street, Cambridge, Massachusetts 02139, the designated mapping partner for preparing digital mapping files. These files can be used in conjunction with other thematic data for purposes of floodplain management, insurance determinations, and many other planning applications. In addition, your community may be eligible for additional credits under the NFIP Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the proposed BFE determinations, revised FIS report, or revised FIRM for your community, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Kevin C. Long, Acting Chief
Engineering Management Branch
Mitigation Directorate

Enclosures:

- 1) Newspaper Notice
- 2) BFE Determination Notice to be published on FEMA's Web site
- 3) National Flood Insurance Program Regulations
- 4) Federal Register Publication

cc: Community Map Repository
William Longley, Building Inspector/Code Enforcement Officer, Town of Cumberland

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Base Flood Elevation Determination for the City of Portland, City of South Portland, Towns of Bridgton, Cape Elizabeth, Casco, Cumberland, Harpswell, Scarborough, Standish and Windham, Cumberland County, Maine (All Jurisdictions). The Department of Homeland Security's Federal Emergency Management Agency solicits technical information or comments on the proposed Base (1-percent-annual-chance) Flood Elevations (BFEs) shown in the Preliminary Flood Insurance Study (FIS) and on the Preliminary Flood Insurance Rate Map (FIRM) for your community. These proposed BFEs are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). For a detailed listing of the proposed BFEs and information on the statutory period provided for appeals, please visit FEMA's website at https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp, or call the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

lieu of the information published at 74 FR 31656. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Cumberland County, Maine (All Jurisdictions). Specifically, it addresses the following flooding sources: Atlantic Ocean, Bonny Eagle Pond, Casco Bay, Crescent Lake, Dock Brook, Elkins Brook, Fore River, Highland Lake, Jackson Brook, Presumpscot River, and Saco Bay.

DATES: Comments are to be submitted on or before November 8, 2010.

ADDRESSES: You may submit comments, identified by Docket No. FEMA-B-1060, to Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2820 or (e-mail) kevin.long@dhs.gov.

FOR FURTHER INFORMATION CONTACT:

Kevin C. Long, Acting Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW.,

Washington, DC 20472, (202) 646-2820 or (e-mail) kevin.long@dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood

insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Corrections

In the proposed rule published at 74 FR 31656, in the July 2, 2009, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled "Cumberland County, Maine, and Incorporated Areas" addressed the following flooding sources: Atlantic Ocean, Casco Bay, Crescent Lake, Fore River, Jackson Brook, Presumpscot River, and Saco Bay. That table contained inaccurate information as to the location of referenced elevation, effective and modified elevation in feet, or communities affected for these flooding sources. In addition, it did not include the following flooding sources: Bonny Eagle Pond, Dock Brook, Elkins Brook, and Highland Lake. In this notice, FEMA is publishing a table containing the accurate information, to address these prior errors. The information provided below should be used in lieu of that previously published.

Flooding Source(s)	Location of Referenced Elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities Affected
		Effective	Modified	
Cumberland County, Maine (All Jurisdictions)				
Atlantic Ocean	Along the shoreline at the intersection of Hannaford Cove Road, Cunner Lane, and Rocky Point Lane.	+8	+12	Town of Cape Elizabeth.
	Along the shoreline, approximately 1,050 feet east of the intersection of Shore Road and Dyer Pond Road.	None	+42	
Bonny Eagle Pond	Entire shoreline within the Town of Standish	None	+268	Town of Standish.
Casco Bay	Along the shoreline, approximately 625 feet south of the intersection of Tondreau Point Road and Birch Run.	+8	+10	City of Portland, City of South Portland, Town of Cape Elizabeth, Town of Cumberland, Town of Harpswell.
	Along the shoreline, approximately 100 feet east of the intersection of Bluff Road and Cloyster Road.	None	+41	
Crescent Lake	Along the shoreline at Edwards Road	None	+278	Town of Casco.
Dock Brook	Just upstream of the confluence with Kezar Pond	None	+384	Town of Bridgton.
	Approximately 1.1 mile northwest of the intersection of White Mountain Way and Davids View, at the Town of Bridgton corporate limits.	None	+384	
Elkins Brook	Just upstream of the confluence with Kezar Pond	None	+384	Town of Bridgton.
	Approximately 1,400 feet northeast of High Street, at the Town of Bridgton corporate limits.	None	+384	
Fore River	Along the shoreline, at the terminus of Holyoke Wharf	+9	+10	City of Portland, City of South Portland.
	Along the shoreline, at the terminus of Portland Street.	None	+13	
Highland Lake	Entire shoreline within the Town of Windham	None	+192	Town of Windham.
Jackson Brook	Approximately 1,500 feet south of the intersection of Thomas Drive and County Road.	None	+45	City of Portland.
Presumpscot River	Approximately 1,250 feet west of the intersection of Cardinal Lane and River Road.	None	+225	Town of Standish.

TABLE 2—STATUS OF REQUIREMENTS FOR THE PROPOSED DFW 1997 8-HOUR OZONE SERIOUS NONATTAINMENT AREA—Continued

Requirement	Status	Action needed or date approved by EPA
Transportation control 182(c)(5)	Transportation controls in place under the 1997 8-hr ozone moderate nonattainment area SIP.	Adopt transportation controls as needed in the serious nonattainment area and submit to EPA for approval.
50 tpy threshold for VOCs 182(c)	Implemented in all 9 counties	July 17, 2008 (73 FR 40972).
50 tpy threshold for NO _x	Implemented in all 9 counties	December 3, 2008 (73 FR 73562).
De minimis rule 182(c)(6)	Implemented in core counties	Must be expanded to all 9 counties.
Special rule for modifications of sources emitting less than 100 tons. 182(c)(7).	Implemented in core counties	Must be expanded to all 9 counties.
Special rule for modifications of sources emitting 100 tons or more. 182(c)(8).	Implemented in core counties	Must be expanded to all 9 counties.
Contingency provisions 182(c)(9)	Due 1 year from the effective date of the final rulemaking for this action.	Must be submitted to EPA for approval.
Offsets of 1.2 to 1 182(c)(10)	Implemented in core counties	Must be expanded to all 9 counties.
Stage II vapor recovery	Implemented in core counties	Submit evidence of widespread use or expand Stage II SIP to all 9 counties. ⁴

IV. Proposed Action

Pursuant to section 181(b)(2) of the Act, EPA is proposing to determine, based on certified, quality-assured monitoring data for 2007–2009, that the DFW area did not attain the 1997 8-hour ozone standard by the applicable June 15, 2010 attainment deadline. If EPA finalizes this determination, upon the effective date of the final determination DFW will be reclassified by operation of law as a serious 1997 8-hour ozone nonattainment area. Pursuant to section 182(i) of the Act, EPA is also proposing the schedule for submittal of the SIP revisions required for serious areas once the DFW area is reclassified. We propose that Texas submit the required SIP revisions for the serious attainment demonstration, RFP, RACT, contingency measures, and for all other serious area measures required under CAA section 182(c) to EPA no later than one year after the effective date of the final rulemaking for this reclassification; except that we propose that Texas submit the required SIP revision for the Stage II vapor recovery to EPA no later than two years after the effective date of the final rulemaking for this reclassification, pursuant to section 182(b)(3)(A) of the Act.

V. Statutory and Executive Order Reviews

Under section 181(b)(2) of the CAA, a determination of nonattainment is a factual determination based upon air quality considerations and the resulting reclassification must occur by operation of law. A determination of nonattainment and the resulting

reclassification of a nonattainment area by operation of law under section 181(b)(2) does not in and of itself create any new requirements, but rather applies the requirements contained in the Clean Air Act. For these reasons, this proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 28, 2010.

Lawrence E. Starfield,
Acting Regional Administrator, Region 6.
[FR Doc. 2010–19574 Filed 8–6–10; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2008–0020; Internal Agency Docket No. FEMA–B–1060]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On July 2, 2009, FEMA published in the *Federal Register* a proposed rule that contained an erroneous table. This notice provides corrections to that table, to be used in

⁴ In 2005, the Texas Legislature repealed the Texas Clean Fuel Fleet substitute program. As a result, Texas must submit an equivalency demonstration. See 75 FR 27514, beginning on page 27524 (May 17, 2010).

[Home](#)[View Notices](#)[Add Notice](#)[Edit/Delete Notices](#)[Administration](#)[Logout](#)[Download RTF Table](#)**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency****Proposed Flood Elevation Determinations**

AGENCY: Federal Emergency Management Agency (FEMA, Department of Homeland Security)

SUMMARY: Technical information or comments are solicited on the proposed and proposed modified Base (1-percent-annual-chance) Flood Elevations (BFEs) shown on the Preliminary revised Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for your community. Comments on any aspect of the FIS and FIRM, other than the proposed BFEs, will also be considered. These BFEs and modified BFEs are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition these BFEs, once finalized, will be used by insurance agents, and others to calculate the appropriate flood insurance premium rates for new buildings and the contents in these buildings.

DATES & SUBMISSION: The appeal period begins following the second publication of the Notice of this proposed BFE determination in a newspaper of local circulation in your community and ends 90 days thereafter. All comments and/or appeals must be submitted no later than 90 days after the second publication of the Notice in the local newspaper to:

City of Portland: The Honorable Nicholas Mavodones, Jr., Mayor, City of Portland, City Hall, 389 Congress Street, Portland, ME 04101

City of South Portland: The Honorable Tom Coward, Mayor, City of South Portland, City Hall, 25 Cottage Road, South Portland, ME 04106

Town of Bridgton: Arthur D. Trigione Sr., Chairperson, Board of Selectmen, 3 Chase Street, Suite 1, Bridgton, ME 04009

Town of Cape Elizabeth: Anne Swift-Kayatta, Chairperson, Town Council, Town Hall, P.O. Box 6260, 320 Ocean House Road, Cape Elizabeth, ME 04107

Town of Casco: Barbara A. York, Chairperson, Town Council, Town Hall, P.O. Box 60, 635 Meadow Road, Casco, ME 04015

Town of Cumberland: Ronald Copp, Jr, Chairperson, Town Council, Town Hall, 290 Tuttle Road, Cumberland, ME 04021

Town of Harpswell: James S. Henderson, Chairperson, Board of Selectmen, Town Hall, P.O. Box 39, 263 Mountain Road, Harpswell, ME 04079

Town of Scarborough: Carol S. Rancourt, Chairperson, Town Council, Town Hall, P.O. Box 360, 259 U.S. Route 1, Scarborough, ME 04070

Town of Standish: Cynthia Hopkins, Chairperson, Town Council, Town Office, 175 Northeast Road, Standish, ME 04084

Town of Windham: William Tracy, Chairperson, Town Council, Town Hall, 8 School Road, Windham, ME 04062

ADDRESSES: The FIS and FIRM showing the proposed and proposed modified BFEs can be viewed at:

City of Portland: City Hall, 389 Congress Street, Portland, ME 04101

City of South Portland: City Hall, 25 Cottage Road, South Portland, ME 04106

Town of Bridgton: Town Hall, 3 Chase Street, Bridgton, ME 04009

Town of Cape Elizabeth: Town Hall, 320 Ocean House Road, Cape Elizabeth, ME 04107

Town of Casco: Town Hall, 635 Meadow Road, Casco, ME 04015

Town of Cumberland: Town Hall, 290 Tuttle Road, Cumberland, ME 04021

Town of Harpswell: Town Hall, 263 Mountain Road, Harpswell, ME 04079

		intersection of Shore Road and Dyer Pond Road	37.220"		
Town of Standish	Bonny Eagle Pond	Entire shoreline within the Town of Standish	43° 41' 31.986" -70° 34' 59.423"	None	+ 268
City of Portland City of South Portland Town of Cape Elizabeth Town of Cumberland Town of Harpswell	Casco Bay	Along the shoreline, approximately 625 feet south of the intersection of Tondreau Point Road and Birch Run	43° 49' 53.473" -69° 54' 44.878"	+ 8	+ 10
		Along the shoreline, approximately 100 feet east of the intersection of Bluff Road and Cloyster Road	43° 38' 14.064" -70° 13' 22.579"	None	+ 41
Town of Casco	Crescent Lake	Along the shoreline at Edwards Road	43° 59' 20.30" -70° 27' 41.33"	None	+ 278
Town of Bridgton	Dock Brook	Just upstream of the confluence with Kezar Pond	44° 5' 10.741" -70° 51' 46.180"	None	+ 384
		Approximately 1.1 mile northwest of the intersection of White Mountain Way and Davids View, at the Town of Bridgton corporate limits	44° 5' 42.897" -70° 51' 30.757"	None	+ 384
Town of Bridgton	Elkins Brook	Just upstream of the confluence with Kezar Pond	44° 4' 45.045" -70° 51' 57.669"	None	+ 384
		Approximately 1,400 feet northeast of High Street, at the Town of Bridgton corporate limits	44° 3' 35.149" -70° 51' 30.366"	None	+ 384
City of Portland City of South Portland	Fore River	Along the shoreline, at the terminus of Holyoke Wharf	43° 39' 16.539" -70° 15' 08.108"	+ 9	+ 10
		Along the shoreline, at the terminus of Portland Street	43° 39' 02.170" -70° 14' 30.344"	None	+ 13
Town of Windham	Highland Lake	Entire shoreline within the Town of Windham	43° 45' 58.725" -70° 21' 26.239"	None	+ 192
City of Portland	Jackson Brook	Approximately 1,500 feet south of the intersection of Thomas Drive and County Road	43° 38' 45.74" -70° 20' 31.70"	None	+ 45
Town of Standish	Presumpscot River	Approximately 1,250 feet west of the intersection of Cardinal Lane and River Road	43° 49' 1.13" -70° 26' 56.86"	None	+ 225
Town of Scarborough	Saco Bay	Along the shoreline, approximately 1,200 feet west of the intersection of Ferry Road and Black Point Road	43° 32' 24.357" -70° 19' 09.192"	None	+ 12
		Along the shoreline at the intersection of Black Point Road and Whittier Lane	43° 32' 00.500" -70° 19' 05.223"	+ 8	+ 24

All elevations referenced to the North American Vertical Datum of 1988 (NAVD).

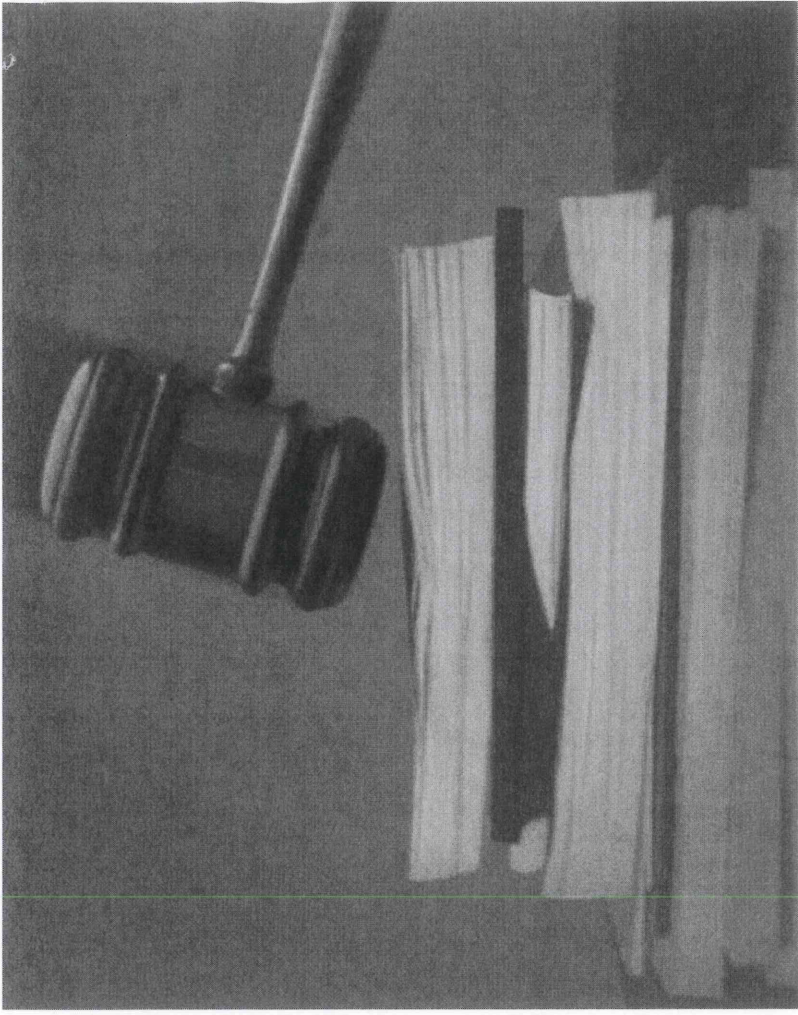
¹National Geodetic Vertical Datum of 1929, rounded to nearest whole foot

²North American Vertical Datum of 1988, rounded to nearest whole foot

³Depth in feet above ground, rounded to nearest whole foot

⁴Mean Sea Level, rounded to the nearest 0.1 meter

Last Updated: Thursday, August 19, 2010



National Flood Insurance Program Regulations

FEMA F-775 / June 2009



FEMA

FEMA Laws and Regulations and the National Flood Insurance Program

1. Flood Insurance related laws and regulations

The FEMA regulations are set forth in 44 Code of Federal Regulations (CFR). This book of Federal regulations is updated yearly, the FEMA regulations are updated every October 1.

Once you are in the 44 CFR, go to the specific chapter title you are looking for (links to each chapter are listed below).

The National Flood Insurance Program (NFIP) regulations, a part of the FEMA Regulations, begins at 44 CFR 59, and runs through 44 CFR 80. Keep in mind that many of these parts are mitigation-related as well as being Flood insurance-related since much of the programs are intertwined, as you can see from the titles of each chapter below. The main area for flood insurance and the Standard Flood Insurance Policies are Chapter, or Part, 61 through 63.

44 CFR SUBCHAPTER B--INSURANCE AND HAZARD MITIGATION

59 59.1 To 59.30 General Provisions

60 60.1 To 60.26 Criteria For Land Management And Use

61 61.1 To 61.17 Insurance Coverage And Rates

62 62.1 To 62.24 Sale Of Insurance And Adjustment Of Claims

63 63.1 To 63.18 Implementation Of Section 1306(C) Of The National Flood Insurance Act Of 1968

64 64.1 To 64.6 Communities Eligible For The Sale Of Insurance

65 65.1 To 65.17 Identification And Mapping Of Special Hazard Areas

66 66.1 To 66.5 Consultation With Local Officials

67	67.1 To 67.12	Appeals From Proposed Flood Elevation Determinations
68	68.1 To 68.12	Administrative Hearing Procedures
69	[Reserved]	
70	70.1 To 70.9	Procedure For Map Correction
71	71.1 To 71.5	Implementation Of Coastal Barrier Legislation
72	72.1 To 72.7	Procedures And Fees For Processing Map Changes
73	73.1 To 73.4	Implementation Of Section 1316 Of The National Flood Insurance Act Of 1968
74	[Reserved]	
75	75.1 To 75.14	Exemption Of State-Owned Properties Under Self-Insurance Plan
76-77	[Reserved]	
78	78.1 To 78.14	Flood Mitigation Assistance
79	79.1 To 79.9	Flood Mitigation Grants
80	80.1 To 80.21	Property Acquisition And Relocation For Open Space

Then National Flood Insurance Program began in 1968 following a series of large hurricanes and storms, as noted in the initial law and those that followed. (42 U.S.C. 4001 et seq.). These laws became the regulations set forth above. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 also alternate NFIA of 1968 and FDPA of 1973

National Flood Insurance Reform Act of 1994 resulted in major changes to the National Flood Insurance Program (NFIP). The law amended the Flood Disaster Protection Act of 1973. It provides tools to make the NFIP more effective in achieving its goals of reducing the risk of flood damage to properties and reducing Federal expenditures for uninsured properties that are damaged by floods. View the National Flood Insurance Reform Act of 1994 NFIRA thru the FEMA Library.

In 2004, Congress amended the above laws by enacting the Flood Insurance Reform Act (FIRA) 2004

2. Disaster Relief and Emergency Management

Other laws and related material you may hear about include some of the mitigation laws, including the following:

The Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) (Stafford Act) amended the Disaster Relief Act of 1974, PL 93-288. This Act constitutes the statutory authority for most Federal disaster response activities especially as they pertain to FEMA and FEMA programs.

The Pre-disaster Mitigation Grant program is authorized through the Disaster Mitigation Act (DMA) which amends the Stafford Act;

The Mitigation Directorate has a regulations development page;
http://online.fema.net/res_regulation.htm

3. Other useful sites

The site to find all regulations is at the National Archives, Federal Register
Daily Federal Registers

The Government Accounting Office (GAO)

The FEMA Federal Register Notices and Rules Archives

FEMA acronyms, Abbreviations and Terms (FAAT)



FEMA

FEMA F-775
Catalog No. 09049-3

Building Permit Report - Calendar Year

	A	B	C	D
1	Building Permit Report	Aug-08	Aug-09	Aug-10
2				
3	MTD - Construction Dollar Amount	\$392,888.95	\$751,200.00	\$617,575.00
4	MTD - Number of Permits	19	14	22
5	MTD - Permit Fees	\$2,774.85	\$3,644.05	\$4,655.40
6				
7	YTD - Construction Dollar Amount	\$7,466,664.38	\$4,526,912.00	\$5,901,270.00
8	YTD - Number of Permits	144	98	130
9	YTD - Permit Fees	\$31,416.41	\$18,088.35	\$28,510.02

Master Summary Report

Monthly Building Permits			
		Start Date:	8/1/2010
		End Date:	8/31/2010
<i>Access. Struct.</i>	2	\$2,300.00	\$100.00
<i>Addition</i>	1	\$25,000.00	\$250.00
<i>Deck</i>	3	\$9,000.00	\$75.00
<i>Foundation</i>	2	\$40,620.00	\$251.60
<i>Garage</i>	2	\$115,000.00	\$500.00
<i>House</i>	1	\$200,000.00	\$708.30
<i>Pool</i>	0		\$200.00
<i>Porches</i>	1	\$15,000.00	\$58.40
<i>Renovation</i>	7	\$198,455.00	\$2,187.10
<i>Shed</i>	1	\$5,000.00	\$25.00
<i>SHORELAND</i>	2	\$7,200.00	\$300.00
Totals	22	\$617,575.00	\$4,655.40

YTD Building Permits			
<i>Access. Struct.</i>	5	\$5,800.00	\$200.00
<i>Addition</i>	14	\$842,000.00	\$4,684.24
<i>BARN</i>	1	\$117,910.00	\$184.70
<i>Commercial</i>	5	\$1,093,343.00	\$4,003.90
<i>CONDO</i>	3	\$420,000.00	\$2,418.60
<i>Deck</i>	21	\$76,847.00	\$732.10
<i>Demolition</i>	4	\$2,600.00	\$75.00
<i>Foundation</i>	4	\$65,620.00	\$501.60
<i>Garage</i>	7	\$317,000.00	\$1,549.70
<i>House</i>	7	\$1,914,745.00	\$5,295.88
<i>Mobile Home</i>	1	\$24,900.00	\$238.00
<i>Pier</i>	1	\$140,000.00	\$180.00
<i>Pool</i>	3	\$131,000.00	\$500.00
<i>Porches</i>	5	\$39,200.00	\$308.40

<i>Renovation</i>	35	\$604,605.00	\$6,279.90
<i>Shed</i>	6	\$67,000.00	\$158.00
<i>SHORELAND</i>	7	\$8,700.00	\$1,050.00
<i>Small Wind Turbine</i>	1	\$30,000.00	\$150.00
	130	\$5,901,270.00	\$28,510.02

*Electrical Permits for dates between
08/01/10 and 08/31/10*

<i>Count</i>	<i>Fee</i>
17	\$1,142.05

YTD Electrical Permits

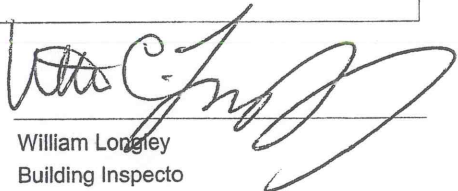
<i>Count</i>	<i>Fee</i>
86	\$6,410.25

*Plumbing Permits for dates
between 08/01/10 and 08/31/10*

<i>Count</i>	<i>Fee</i>
13	\$807.00

YTD Plumbing Permits

<i>Count</i>	<i>Fee</i>
77	\$7,372.50



William Longley
Building Inspector

Building Permits

Start Date:

8/1/2010

End Date:

8/31/2010

<i>Date</i>	<i>Permit</i>	<i>Map/Lot</i>	<i>Owner</i>	<i>Location</i>	<i>Imprvmnt</i>	<i>Est Cost</i>	<i>Fee</i>
8/3/2010	10-109	U11A / 14	SILVERS ROBER	27 Meadow Lane	Renovation	\$25,000.00	\$250.00
8/3/2010	10-110	U14A / 75	PUTNAM WILLIA	16 Philip Street	Shed	\$5,000.00	\$25.00
8/3/2010	10-111	R08 / 32D	BOIVIN GERARD	44 STURBRIDG	Deck	\$4,000.00	\$25.00
8/3/2010	10-112	U12 / 23	MOMS MAIN STR	310 MAIN STRE	Renovation	\$22,480.00	\$449.60
8/5/2010	10-113	R04 / 21B	MCMAHON JOHN	15 HILLSIDE AV	Deck	\$600.00	\$25.00
8/5/2010	10-114SZ	U22 / 13C	PLUMMER DARR	56 FOREST LA	Access. Struct.	\$300.00	\$50.00
8/10/2010	10-115	R07E / 5	CHASE CUSTOM	20 WESTBRAN	House	\$200,000.00	\$708.30
8/10/2010	10-116SZ	U03 / 15	STONE SANDRA	16 SEA COVE R	SHORELAND	\$7,200.00	\$150.00
8/10/2010	10-117SZ	U22 / 69	MERYL RUTH H	17 FOREST LA	SHORELAND	\$0.00	\$150.00
8/10/2010	110-118SZ	U22 / 69	MERYL RUTH H	17 FOREST LA	Access. Struct.	\$2,000.00	\$50.00
8/16/2010	10-119	U14 / 117	LIBBY JOSEPH S	17 Hedgerow Dri	Garage	\$95,000.00	\$410.00
8/16/2010	10-120	U14A / 8 B	ROHDE JOHN	23 SAWYER LA	Addition	\$25,000.00	\$250.00
8/16/2010	10-121	U01 / 57	MCBRADY JAME	7 STORNOWAY	Renovation	\$16,000.00	\$50.00
8/16/2010	10-122	U10 / 7D	FARRIS DALE A	29 WYMAN WA	Deck	\$4,400.00	\$25.00
8/16/2010	10-123	U10 / 1A	SANCHEZ JOSE	24 Amanda's Wa	Foundation	\$620.00	\$50.00
8/16/2010	10-124	R08A / 68F	KENNEDY CHRIS	20 FOX RUN R	Porches	\$15,000.00	\$58.40
8/17/2010	10-125	U01A / 10	ST ONGE JOHN	25 STONY RID	Renovation	\$68,975.00	\$689.00
8/19/2010	10-126	R06 / 22A	FISHER WILLIAM	14 Olivia Lane	Renovation	\$15,000.00	\$208.50
8/25/2010	10-127	R08A / 61	WITHAM JAMES	247 BRUCE HIL	Pool		\$200.00
8/25/2010	10-128	U13 / 40	LAY DAVID R	3 CRESTWOOD	Renovation	\$49,000.00	\$490.00
8/25/2010	10-129	U03 / 9 A	THE SOUTHLAN	SEA COVE RO	Foundation	\$40,000.00	\$201.60
8/26/2010	10-130	U08 / 16A	BORCHERT DON	166 Longwoods	Renovation	\$2,000.00	\$50.00
8/31/2010	10-131	R03 / 3	FIRST TRACK LL	41 WINN ROAD	Garage	\$20,000.00	\$90.00
						\$617,575.00	\$4,655.40

Electrical Permits

<i>Date Permit</i>	<i>Owner</i>	<i>Location</i>	<i>Est Cost</i>	<i>Fee</i>
8/3/2010 072-10	TIMS GARY R	204 Gray Road	\$0.00	\$50.00
8/10/2010 073-10	HARDING DAVID	90 BRUCE HILL RO	\$0.00	\$158.00
8/11/2010 074-10	KING GARY W	99 MILL ROAD	\$0.00	\$65.00
8/12/2010 075-10	ROHDE JOHN	23 SAWYER LANE	\$0.00	\$57.50
8/16/2010 076-10	TRAFTON SCOTT	70 Flintlock Drive	\$0.00	\$50.00
8/17/2010 077-10	GEORGE, ERIC R.	10 SPRUCE LANE	\$0.00	\$61.20
8/19/2010 078-10	GREER DELORES	30 SKILLINGS ROA	\$0.00	\$50.00
8/23/2010 079-10	MCBRADY JAMES	7 STORNOWAY RO	\$0.00	\$50.00
8/24/2010 080-10	KNOWLES JONATH	158 Middle Road	\$0.00	\$117.35
8/24/2010 081-10	KENNEDY HENRY	24 WHITETAIL ROA	\$0.00	\$75.00
8/24/2010 082-10	LAY DAVID R	3 CRESTWOOD RO	\$0.00	\$50.00
8/25/2010 083-10	CURRIER JOHN D	4 Stonewall Drive	\$0.00	\$50.00
8/25/2010 084-10	BORCHERT DONAL	166 Longwoods Road	\$0.00	\$50.00
8/25/2010 085-10	ATLANTIC REGION	327 Main Street	\$0.00	\$50.00
8/26/2010 086-10	GRASS VICTORIA	358 MAIN STREET	\$0.00	\$108.00
8/26/2010 087-10	SILVERS ROBERT	27 Meadow Lane	\$0.00	\$50.00
8/31/2010 088-10	FIRST TRACK LLC	41 WINN ROAD	\$0.00	\$50.00
		17	\$0.00	\$1,142.05

PLUMBING PERMITS

Permit ID	Date Issued	Owner	Location	Description	Plummer	Permit Type	Est. Cost	Fee
4754	8/3/2010	TIMS GARY R	204 Gray Road		Dave Tranchemont	Internal	\$0.00	\$54.00
4755	8/3/2010	CHASE CUSTOM HOME	20 WESTBRANCH ROA	Septic System	Chase	External	\$0.00	\$150.00
4756	8/10/2010	TIM GARDINER	8 THURSTON LANE		Bill Jones	Internal	\$0.00	\$54.00
4757	8/10/2010	PLUMMER DARRELL	56 FOREST LAKE ROAD		Bill Jones	Internal	\$0.00	\$36.00
4758	8/17/2010	KENNEDY HENRY R	24 WHITETAIL ROAD		Flynn	Internal	\$0.00	\$36.00
4759	8/17/2010	DOANE RICHARD L	4 CATALPA LANE		Storey	Internal	\$0.00	\$36.00
4760	8/19/2010	SILVERS ROBERT G	27 Meadow Lane		Bradbury	Internal	\$0.00	\$36.00
4761	8/19/2010	PAYNE ROBERT T	15 JUNIPER LANE	Subsurface disposal	YARMOUTH SEPT	External	\$0.00	\$225.00
4762	8/26/2010	BORCHERT DONALD	166 Longwoods Road		Owner	Internal	\$0.00	\$36.00
4763	8/31/2010	RUSHTON SHARON L M	378 MAIN STREET		Charles Storey	Internal	\$0.00	\$36.00
4764	8/31/2010	COLLINS GEORGE B	11 Candlewick Lane		Dan Burke	Internal	\$0.00	\$36.00
4765	8/31/2010	PIERCE ROBERT	36 ORCHARD ROAD	Internal	Craig Aube	Internal	\$0.00	\$36.00
4766	8/31/2010	JORDAN JOANNE C	24 SUNSET RIDGE		Craig Aube	Internal	\$0.00	\$36.00

WORKSHOP



Town of Cumberland

Finance Committee Goals

- *Budget transparently, accurately, and fairly*
- *Increase cash reserves to eliminate the need for annual tax anticipation note borrowing and possible elimination of bonding for capital expenditures such as roads and equipment*
- *Annually review and make policy recommendations regarding all enterprise funds*
- *Responsibly grow the commercial and residential tax bases*

Agenda – September 13, 2010

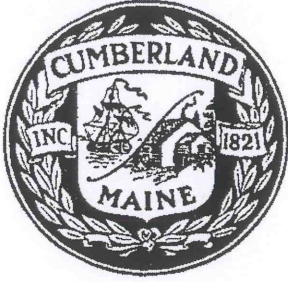
- I. Welcome – Mike Perfetti**
- II. Overlay**
- III. Fund Balance & Deficit Funds**
- IV. Other Business**
- V. Adjournment**

FY 2010 Town Council - Finance Committee

Mike Perfetti, Chairman – 2013

Bill Stiles– 2011

Jeff Porter – 2011



M E M O R A N D U M

T O W N O F C U M B E R L A N D , M A I N E

2 9 0 T U T T L E R O A D

C U M B E R L A N D , M A I N E 0 4 0 2 1

T E L : 2 0 7 - 8 2 9 - 2 2 0 4 F A X : 8 2 9 - 2 2 2 4

To: William R. Shane, Town Manager
From: William Healey, Town Assessor
Date: August 18, 2010
Re: Overlay

Bill,

Reference to Overlay can be found in Title 36 § 710 of the MRSA. This subsection states that "The assessors or, in primary assessing areas, the municipal officers may assess on the estates such sum above the sum necessary for them to assess, not exceeding 5% thereof as a fractional division renders convenient, and certify that fact to their municipal treasurer.

As you can see, the legal description of an Overlay is extremely vague. It was originally created to assist with fractional differences caused by rounding when tax bills were calculated by hand prior to computers, and to offset unpaid and/or uncollectable taxes. According to the Assessor's manual titled Maine Property Tax Law the Overlay is described as follows; "Even if it were possible, it would not be practical to select a tax rate which would exactly produce the amount to be raised through the property tax. Since the property tax would fail to serve its purpose if it produced less than the amount needed to be raised, a tax rate is selected which is expected to generate an amount in excess of the amount needed to be raised. This surplus, is called an Overlay".

While it wasn't originally created as such, the Overlay has become an unappropriated surplus fund, and many municipalities use it that way. I strongly encourage a healthy Overlay to help fund property tax abatements, as one significant abatement could have a devastating affect on property tax collections.

2010 MUNICIPAL TAX RATE CALCULATION FORM

Municipality: Cumberland

BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

- | | | |
|--|------|--|
| 1. Local Taxable Real Estate Valuation..... | 1 | \$1,141,417,400
<small>(should agree with Page 1, line 6)</small> |
| 2. Local Taxable Personal Property Valuation..... | 2 | \$12,117,400
<small>(should agree with Page 1, line 10)</small> |
| 3. Total Taxable Valuation (Line 1 plus line 2)..... | 3 | \$1,153,534,800
<small>(should agree with Page 1, line 11)</small> |
| 4. Total of all Homestead Exempt Valuation | 4(a) | \$16,730,000
<small>(should agree with Page 1, line 14f)</small> |
| Total of all Homestead Exempt Valuation divided by 2.... | 4(b) | \$8,365,000 |
| 5. Total of all BETE Exempt Valuation..... | 5 | \$243,120
<small>(should agree with Page 2, line 15a)</small> |
| 6. Total Valuation Base (Line 3 plus line 4(b) plus line 5)..... | 6 | \$1,162,142,920 |

APPROPRIATIONS

- | | | | |
|--|----|------------------------|-------------------------------------|
| 7. County Tax..... | 7 | 600,901.00 | |
| 8. Municipal Appropriation..... | 8 | 7,385,887.00 | |
| 9. TIF Financing Plan Amount..... | 9 | 890,507.43 | \$58.2 Million of Value to TIF Fund |
| 10. School/Educational Appropriations.....
<small>(Adjusted to Municipal Fiscal Year)</small> | 10 | 11,830,337.00 | |
| 11. Total Appropriations (Add lines 7 through 10)..... | 11 | \$20,707,632.43 | |

ALLOWABLE DEDUCTIONS

- | | | |
|---|----|------------------------|
| 12. State Municipal Revenue Sharing..... | 12 | 500,000.00 |
| 13. Other Revenues: (All other revenues that have been
formally appropriated to be used to reduce the
commitment such as excise tax revenue, tree growth
reimbursement, trust fund or bank interest income,
Do Not Include any Homestead or BETE Reimbursement) | 13 | 3,125,533.00 |
| 14. Total Deductions (Line 12 plus line 13)..... | 14 | \$3,625,533.00 |
| 15. Net to be raised by local property tax rate (Line 11 minus line 14)..... | 15 | \$17,082,099.43 |

- | | | | | | |
|---|---|--|---|---|-------------------------|
| 16. \$17,082,099.43
<small>(Amount from line 15)</small> | x | 1.05 | = | \$17,936,204.40 | Maximum Allowable Tax |
| 17. \$17,082,099.43
<small>(Amount from line 15)</small> | ÷ | \$1,162,142,920
<small>(Amount from line 6)</small> | = | 0.01470 | Minimum Tax Rate |
| 18. \$17,936,204.40
<small>(Amount from line 16)</small> | ÷ | \$1,162,142,920
<small>(Amount from line 6)</small> | = | 0.01543 | Maximum Tax Rate |
| 19. \$1,153,534,800.00
<small>(Amount from line 3)</small> | x | 0.01530
<small>(Selected Rate)</small> | = | \$17,649,082.44
<small>(Enter on Page 1, line 13)</small> | Tax for Commitment |
| 20. \$17,082,099.43
<small>(Amount from line 15)</small> | x | 0.05 | = | \$854,104.97 | Maximum Overlay |
| 21. \$8,365,000
<small>(Amount from line 4b)</small> | x | 0.01530
<small>(Selected Rate)</small> | = | \$127,984.50
<small>(Enter on line 8, Assessment Warrant)</small> | Homestead Reimbursement |
| 22. \$243,120
<small>(Amount from line 5)</small> | x | 0.01530
<small>(Selected Rate)</small> | = | \$3,719.74
<small>(Enter on line 9, Assessment Warrant)</small> | BETE Reimbursement |
| 23. \$17,780,786.68
<small>(Line 19 plus lines 21 and 22)</small> | - | \$17,082,099.43
<small>(Amount from line 15)</small> | = | \$698,687.25
<small>(Enter on line 5, Assessment Warrant)</small> | Overlay 82% of Max |

\$566,983.01

Actual Net Overlay 698,687.25 - BETE - Homestead Reimbursement = \$566,983.01



**Cumberland Town Council Meeting
Monday, September 13, 2010
7:00 p.m. Call to Order**

The Cumberland Town Council will hold its regular meeting at 7:00 p.m. on Monday, September 13, 2010 in the Town Council Chambers. An opportunity for public comment will be provided. The following items will receive a public hearing:

- To hold a Public Hearing to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.
- To set a Public Hearing date (September 27th) to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.
- To set a Public Hearing date (September 27th) to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.
- To set a Public Hearing date (September 27th) to consider and act on amendments to the Cumberland Mass Gathering Ordinance.
- To forward to the Planning Board for a Public Hearing and recommendation amendment to Section 104.138 (setback definition) of the Cumberland Zoning Ordinance.
- To authorize the Town Manager to approve a change order re: the removal of concrete slabs along 400 feet of Route 88 near Tuttle Road.
- **WORKSHOP after adjournment: re: Budget FY'12 policy discussion**
 - Enterprise Funds
 - Deficit Funds
 - Overlay

Additional agenda items will receive consideration and action. Please refer to the town's website: www.cumberlandmaine.com for a complete agenda.



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- To hear a report from the Ordinance Committee re: PACE program and ordinance.
- To hear a report from the Cumberland/North Yarmouth Joint Liaison Committee re: meeting with North Yarmouth and pending agreements (ACO, sidewalk snow plowing and Channel1).
- To set a Public Hearing date (September 27th) to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.
- **WORKSHOP after adjournment: re: Budget FY'12 policy discussion**
 - Enterprise Funds
 - Deficit Funds
 - Overlay

Additional agenda items will receive consideration and action. Please refer to the town's website: www.cumberlandmaine.com for a complete agenda.